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*To the Senate and House of Representatives of the
Commonwealth of Pennsylvania in General As-
sembly:*

The Commission to Codify and Revise the Election Laws of Pennsylvania appointed by the Governor of the Commonwealth in pursuance of a joint resolution approved the thirteenth day of May, A. D. 1909, herewith presents the following report:

The Commission was appointed late in December, 1909, and organized and commenced its work about January 1, 1910. Power was given to the Commission to appoint one or more attorneys, a Secretary and stenographer. It appointed one attorney, Ralph B. Evans, Esq., of Philadelphia, and a Secretary, William H. Hay, Esq., of Philadelphia. It did not appoint a stenographer but relied upon the efficient services of its Secretary with the aid of such occasional stenographic help as he needed.

By the terms of the joint resolution the Commission was directed:

First.—To report a codification of the election laws as they now are.

Second.—To report separately the amendments or changes recommended.

The codification of the existing laws has been completed and is presented herewith in printed form.

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Owing to the number of statutes relating to elections and the numerous changes which have from time to time been made, the work was one of much labor and considerable difficulty. It has been performed by the Commission's counsel under the direction and supervision of the Commission.

With regard to the plan of this code, the Commission after careful consideration concluded to retain the exact language of the existing unrepealed statutes except in so far as it was absolutely necessary to reconcile statutes of different dates with each other.

It would have been possible to have written a code in original language embodying all the unrepealed provisions of the existing law. Such a code would probably have been more concise, and from a literary standpoint, more desirable.

Every change of language in familiar laws, however, involves the risks of omissions, of ambiguities and of consequent litigation, and these dangers, in the judgment of the Commission, outweighed the merits of conciseness and literary merit. The code which has been prepared consists, therefore, of the various sections of existing laws arranged under appropriate headings and carefully indexed. It is a real code properly arranged and subdivided according to subjects and not a mere collection of statutes, but it follows the exact language of existing statutes except in those instances where a change of language was imperatively demanded to make provisions of different

dates harmonize with each other. It has been so arranged that it may be enacted as a statute or used as an official guide and index of the law. It has a table of contents and index. If printed by the State for the use of its officers, the Commission recommends that under each heading, in advance of the provisions of the code, there should be printed the constitutional provisions relating to the subject. The Commission adopted this plan in the preliminary copies made for its use in the other branch of its work and found it most useful.

With regard to the second branch of its work, namely: the recommending of changes or amendments, the Commission first divided the subject into five divisions, viz.:

Registration,
Methods of Nomination,
Form of Ballot,
Conduct of Elections,
Election Contests.

In the examination of each of these subjects the Commission adopted three methods, viz.:

First.—The study of the election laws of Pennsylvania, past and present.

Second.—The gathering of information as to election laws in other States and countries.

Third.—The ascertainment, through public meetings and otherwise, of the views and wishes of the electors.

In the course of its work the Commission rented an office in Philadelphia and through its Secretary collected, arranged and analyzed the election laws of other States and countries. The Commission also held public meetings both at Philadelphia and Pittsburgh, which were attended by many citizens who gave the Commission the benefit of their views. The Commission, through its Secretary and the various members individually, corresponded with many persons who, because of their experience or ability, might be able to aid the Commission's labors. The information thus obtained was carefully collated and arranged by the Commission's Secretary and counsel and made the subject of discussion at the meetings of the Commission.

Although many questions have been discussed at the meetings, in no instance have the members divided in opinion on party lines, and it is evident to the Commission that most of the questions relating to election laws on which opinion is divided are not partisan questions in which one party is arrayed against another, nor even questions on which the men of practical experience in actual political work are arrayed against men who study politics from the outside, but rather questions on which citizens of all political opinions differ as to practical methods and results.

For the information of the many citizens of the Commonwealth who have aided the Commission by their suggestions, it should be said that every sugges-

tion has been carefully considered by the Commission. The fact that any suggestion has not been adopted or is not discussed in this report does not indicate that it has been neglected. Many of these suggestions were made from a consideration of local abuses or needs and, owing to the constitutional requirements of uniformity in election laws the Commission found that, although useful in some localities, they could not be adopted without inconvenience in others. Some suggestions could not be adopted without amendment of laws not relating to elections, and the Commission was unwilling to widen an already broad field for discussion. Some suggestions the Commission did not think it wise to recommend at this time, and others, although perhaps not without merit, were of so little importance compared to the amendments reported that it was not deemed desirable by reporting them to add to the task of the General Assembly in considering the subject of the report.

In no case, however, has a suggestion been disregarded without careful consideration.

The existing election laws show that the General Assembly has not been neglectful of the subject. There is a good system of registration in the cities, also a regulation of primaries, a modern form of ballot, laws requiring the publication of expenses and stringent laws punishing fraud. Whether all of these have been improvements is a subject on which opinions may differ, but the statutes providing for them

show a constant effort on the part of the General Assembly to improve the laws in accordance with modern ideas.

In dealing with the subject of amendments, the Commission became convinced that it was not wise to group together in one act all the amendments which it suggested. The various subjects of legislation with regard to election laws bear no necessary relation to each other. For example, the adoption of a suggested amendment to the registration system would not necessarily depend upon the adoption of an amendment to the method of nomination. The Commission therefore has grouped its suggested amendments into different Acts, each dealing with its own subject so that each may be intelligently considered and discussed on its own merits.

In some cases where the members of the Commission were not entirely unanimous as to which of two suggested amendments was the better, the course has been adopted of submitting alternative acts.

The Commission was directed to report to the Session of the Legislature which commenced in January, 1911.

The work of the Commission is not wholly completed. It has completed the Code of existing laws, and it has completed the Acts containing the amendments which it would suggest on the two subjects of Registration and Methods of Nomination.

It has under preparation Acts which will contain suggested amendments upon the other branches of election law.

To avoid delay the Commission presents this report of its work to date and will, when its work is completed, present a further report as to the subjects of the Form of Ballot, the Conduct of Elections and Election Contests.

REGISTRATION

With regard to Registration, there seems to be a practical unanimity of opinion that in the large cities of the Commonwealth the Registration System already in force has been efficient in lessening the opportunities for fraud and eliminating contests at the polls, and these advantages more than counterbalance the fact that it keeps away from the polls some intelligent citizens who are too busy or too careless to register. With regard to registration in the cities of the third class, there seems to be much difference of opinion. Some of the smaller cities consider that it is an unnecessary expense and an irritating and undesirable feature of the law. Others regard it as a wise precaution against fraud. The fact seems to be that in the smaller communities of the Commonwealth it is not needed, while in the larger communities it is useful. The constitutional requirement of uniformity which allows classification only as to cities, produces an anomalous condition of affairs. There are large boroughs and small cities. Some of the cities are smaller

in population than the larger boroughs. For example: Corry and Monongahela, both of which are cities, have only a little over 5000 population each, while Norristown and Shenandoah, both of which are boroughs, have over 20,000 population each. A less onerous system of registration is needed in the smaller cities, and while on account of the constitutional provision referred to it is impossible to draft a special registration system for boroughs the larger boroughs can avail themselves of the system by becoming cities.

The Commission recommends certain amendments to the existing laws relating to assessors, and registration in townships and boroughs. These suggestions are embodied in five separate acts (see Appendices A, B, C, D and E). The purposes of these amendments are briefly:

1. To abolish all assessments, registries, returns, etc., that were made necessary only by the February election.
2. To establish uniform terms for registry assessors, and provide a uniform method of filling vacancies.
3. To make a uniform system of returns by tax collectors in townships, boroughs and cities of the third class.

The Commission has also drafted an Act (see Appendix F) designed to give to cities of the third class a system of registration less onerous than the system of personal registration now applicable to

cities of the first and second classes but more efficient than the system prevailing in other parts of the Commonwealth.

This act combines some of the features of both systems. Personal registration is done away with, but in lieu thereof the assessors' lists are revised and corrected by two registrars appointed by the County Commissioners, who sit for that purpose at designated times before election. The lists so made up serve the same purpose as the registers in cities of the first and second class, and the presence of an elector's name upon this list is made a prerequisite to and conclusive of his right to vote.

Some amendments of the minor details of the present registration system in cities of the first and second class have been suggested by the Boards of Registration of Philadelphia and Pittsburgh, and by other citizens. Such as in the judgment of the Commission are desirable have been embodied in a separate Act, which is presented with this report. (See Appendix G.)

These amendments concisely stated are:

1. The changing of the dates of registration to conform to the Constitutional Amendment abolishing the February election.
2. A change in the form of register, by providing a column for noting the date of the payment of tax, and also by numbering the lines of each page for convenience in reference.

3. Defining the method of proving the payment of tax.

4. Requiring all petitions to be under oath and empowering the chief clerk of the Board of Registration Commissioners to administer such oath.

METHODS OF NOMINATION

In this Commonwealth as in other States of the Union, candidates for public office are nominated by voluntary groups of citizens called parties, who are supposed to be united together by a common adherence to certain principles or common support of certain candidates. Originally these parties were not interfered with in any way by the Commonwealth. Only after the candidates were nominated for any office by the respective parties did the Commonwealth conduct and regulate the public election for such office. From time to time the Commonwealth also passed laws to punish bribery in securing party nominations and to punish fraud on the part of officers conducting party primaries, but each party was left entirely free to prescribe its own rules of membership and its own methods of nomination. The method of nomination usually employed was by the election of delegates who met in convention and nominated the candidates.

Owing to the growth of population, especially of urban population, the more systematic organization of parties, the indifference of busy and prosperous citizens to politics, and their neglect to take any part or

interest in the nominating machinery or work of their respective parties, the power of party organizations came often to be wielded by a small group of men, who might or might not be fairly representative of the entire body of citizens who constituted the party. To remedy the evils arising from this condition, various plans have been suggested, but the one which has met with the most popular favor throughout the United States is to have the State take charge of the nominating machinery of the parties and to simplify that machinery by direct nomination by the voters instead of indirect nomination by delegates selected by the voters. Statutes embodying to a greater or less extent these two features have been passed in many States of the Union.

In Pennsylvania, the General Assembly, in 1906, enacted what is known as the Uniform Primary Act, which provided that the nomination by all parties should be made at one primary to be conducted by the Commonwealth and that nominations for all offices, except those to be voted for by electors of the State at large should be made directly and not through delegate conventions.

This statute has now been in operation nearly four years. One of the most difficult tasks of the Commission has been to ascertain the feeling of the electors towards this Act and the system it established. The Commission found that opinions with regard to it varied widely and the difference of opinion did not seem to be coincident with any lines of party or local-

ity or intelligence. It seems to be generally agreed that the system has not to any very great extent remedied the evils it was designed to remedy and it has developed some evils of its own.

Briefly stated, the arguments for and against it are as follows:

It is claimed in support of it:

1. That it has encouraged the ordinary citizen to attend the primaries and restored his confidence in their efficacy as an expression of the will of the majority.
2. That it prevents the leaders of the party organizations from dictating nominations against the real wishes of a majority of the members of the party.
3. That any defects which it has can be remedied by amendment and that sufficient time has not elapsed since its adoption to give it a fair trial.

It is claimed against the system:

1. That it puts the State to great and unnecessary expense.
2. That it gives opportunity for the capture of a party nomination by a rival party.
3. That it leads to the multiplication of parties, the confusion of issues and to political manipulation by party leaders or clever demagogues.

4. That it removes a valuable check on bad nominations, viz.: the fear that if an exceptionally bad nomination is made a rival party at a later primary may take advantage of this fact and made an exceptionally good one.
5. That it does not secure any better candidates than the old system and makes it more difficult to fix the responsibility for their choice.

The members of the Commission are unanimous in believing that the Uniform Primary System now in force is based upon an unsound theory. A healthy, vigorous party is essentially a voluntary association of citizens which should be free to pass upon the qualifications of its own members, adopt its own rules and depend for its success upon the principles which it advocates, and the candidates it suggests. The most salutary political condition of any community is not to have many parties nominating candidates at the expense of the State, but to have few well organized parties who compete with each other, so that the issues may be distinct and the candidates few in number. The holding of party primaries on different dates often stimulates one party to take advantage of the mistakes of the other by nominating better candidates, and the fear of this result sometimes prevents the nomination of unfit candidates by the party first holding its primaries. In many cases the selection of candidates by small bodies of representative delegates gives oppor-

tunity for deliberation for ascertaining and exposing the demerits of a candidate or for sounding public opinion which the present system lacks. The Uniform and Direct Primary system is based upon the theory that the nomination of candidates is part of the election machinery of the State. It tends to weaken party organization and lessen party responsibility; to make the formation of new parties easy and to make candidates not so much the deliberate choice of well organized party groups as the representatives of shifting groups of citizens acting together because of some sudden wave of popular impulse or the clever manipulation of some candidate.

The Commission believes that the better system is to leave the nominations to be made by the parties themselves in their own way, interfering only to the extent necessary to prevent bribery, fraud or disorder and imposing upon parties the risks and responsibilities that are certain to ultimately follow bad nominations.

While the Commission is unanimous in the belief that the Uniform Primary System is not founded on a sound theory, it has not overlooked the fact that the system was adopted in this Commonwealth as the result of a popular movement for direct expression of popular will which has taken various forms over the whole United States and which has not yet expended its force; and that there is a wide diversity of opinion as to its merits or demerits. In view of these facts

the Commission has drafted and attached to this report two alternative bills.

The first of these (see Appendix H) simply amends the present system in the following particulars:

1. By providing for one primary each year instead of two, to be held in the even numbered years or General Elections on the First Saturday in May and in the odd numbered years or Municipal Elections on the Fourth Saturday in September.

2. By providing that the written acceptance of the candidate shall accompany every petition to place his name upon the primary ballot.

3. By providing that no name shall be placed upon the ballot of more than one party without the consent of the party committees.

4. By providing for the withdrawal of candidates.

5. By changing the provisions of the present law regarding the opening of the ballot box and recounting the vote.

6. This bill also modifies the provisions of the present law as to the method of determining the standing of a party as respects its right to take part in the primary. This change is made on account of certain alterations in the form of ballot and method of making the returns which the Commission has under

consideration and which will be embodied in its final report.

The second or alternative bill (see Appendix I) retains the form of the present law, with the amendments above suggested but with the following additional changes:

1. It permits the parties to hold their primaries on different dates.

2. It leaves to each party to determine whether it shall adopt the direct or indirect method of nomination, or a combination of both.

3. It provides for the holding of the primaries by officers chosen by the party, but under the same duties and penalties as election officers under the present law.

4. It provides that the qualifications of voters shall be determined by the rules of the party holding the primary.

5. It provides for the payment of the cost of holding the primary by the party instead of by the State.

It is hoped that the framing and presentation of these two alternative bills will lead to such a thorough and intelligent discussion of the subject throughout the Commonwealth that it may be readily ascertained which system meets with the approval of a majority of the citizens.

As has already been stated, the Commission is not yet ready to report on the other branches of its work but expects to be able to present its final report on these at an early date, and at this session of the Legislature.

FRANK P. PRICHARD

ERNEST L. TUSTIN

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JOHN M. FLYNN

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DAVID H. LANE



APPENDIX A

REGISTRATION IN BOROUGHES AND TOWNSHIPS.

Amendment to Act of June 16, 1891, P. L., 298.

Commission's Codification, page 4, Section 16.

Proposed Amendments: (1) Increase term of Registry Assessors from two to four years; for the sake of general uniformity, to secure more experienced officials, to render less frequent elections necessary and to make terms uniform with real estate assessors.

(2) Empower County Commissioners to fill vacancies instead of the Court, because commissioners fill vacancies in office of real estate assessors, and all duties of registry assessors are under direction of commissioners.

AN ACT

To amend section one of an act approved the sixteenth day of June, A. D. 1891, entitled "An act to authorize the election of assistant assessors, for the purpose of registration of voters, in the townships and boroughs containing more than one election district wherein but one assessor for valuation resides," by enlarging the term of assistant assessors, providing for their election every four years, and changing the power of filling vacancies from the court of quarter sessions to the county commissioners.

Section 1. *Be it enacted, etc.,* that section one of an act approved the sixteenth day of June, A. D. 1891, entitled, "An act to authorize the election of assistant assessors, for the purpose of registration of voters, in the townships and boroughs containing more than one election district wherein but one assessor for valuation resides," which reads and provides as follows, to wit:

“Section 1. *Be it enacted, etc.,* that the qualified voters of every election district in boroughs and townships in the Commonwealth of Pennsylvania wherein more than one election district is authorized and where but one assessor for valuation of taxable property resides in the borough or township having more than one election district, shall *on the third Tuesday of February, Anno Domini one thousand eight hundred and ninety-two, and annually thereafter,* elect a properly-qualified person for assistant assessor in each of said election districts, who shall perform all the duties relating to elections now required to be performed by assessors in boroughs and townships having but one election district.

“In case of a vacancy in said office, *the court of quarter sessions, or any judge of the said court of the same county,* shall appoint a person to fill such vacancy,” be and the same is hereby amended to read as follows, to wit:

Section 1. *Be it enacted, etc.,* that the qualified voters of every election district in boroughs and townships in the Commonwealth of Pennsylvania, wherein more than one election district is authorized, and where but one assessor for valuation of taxable property resides in the borough or township having more than one election district shall *at the municipal election on the Tuesday after the first Monday of November, nineteen hundred and eleven, and quadrennially thereafter,* elect a properly-qualified person for assistant assessor in each of said election districts to serve *for four years*, who shall perform all the duties relating to elections now required to be performed by assessors in boroughs and townships having but one election district. In case of a vacancy in said office, the *county commissioners* shall appoint a person to fill such vacancy.

APPENDIX B

REGISTRY ASSESSMENTS IN BOROUGHS AND TOWNSHIPS AND IN CITIES OF THE THIRD CLASS.

Amendments to the Act of June 25, 1895, P. L., 296 (No. 212).

Commission's Codification, page 2, sections 4 and 5.

Proposed amendment: (1) To extend to the cities of the third class the operation of the Act now relating to townships and boroughs; because it is proposed to relieve the cities of the third class from the necessity of personal registration; there will then be no public record of what voters have qualified themselves by paying the necessary state or county tax within two years. This return by the tax collectors to the county commissioners will supply that record; and enable the registrars to complete their voting list for the election officers.

AN ACT

To amend the title and sections one (1) and two (2) of an act approved June 25, A. D. 1895, entitled "An act requiring tax collectors of townships and boroughs of the Commonwealth to give a numbered tax receipt from a book to be furnished by the county commissioners, containing a correspondingly numbered stub, and requiring a sheet setting forth name, amount of tax paid and number of receipt to be sent, twenty days before each election, to the county commissioners for public inspection, and to provide for punishment of tax collectors violating the provisions of this act."

Section 1. *Be it enacted, etc., that the title of an act approved June 25, A. D. 1895, which title is as follows: "An act requiring tax collectors of townships and boroughs of the Commonwealth to give a numbered tax receipt from a book to be furnished by the county commissioners containing a correspondingly numbered stub, and requiring a sheet, setting forth*

name, amount of tax paid and number of receipt to be sent, twenty days before each election, to the county commissioners for public inspection, and to provide for punishment of tax collectors violating the provisions of this act," be and the same is hereby amended to read as follows:

"An act requiring tax collectors of townships, boroughs and cities of the third class of the Commonwealth to give a numbered tax receipt from a book to be furnished by the county commissioners containing a correspondingly numbered stub, and requiring a sheet, setting forth name, amount of tax paid and number of receipt, to be sent, twenty days before each election, to the county commissioners for public inspection, and to provide for punishment of tax collectors violating the provisions of this act."

Section 2. That section 1 of said act, which reads as follows: "Section 1. Be it enacted, etc., that tax collectors of townships *and* boroughs of the Commonwealth furnish each person, on the payment of taxes, with a numbered receipt setting out date, name of tax-payer, amount of tax and district in which tax-payer is assessed, from a book to be furnished by the county commissioners containing a stub, that on the stub *a* memoranda shall be made in ink of the number of the receipt, the date, name of taxpayer, amount of tax and district in which taxpayer is assessed," be and the same is hereby amended to read as follows:

"Section 1. *Be it enacted, etc.,* that tax collectors of townships, boroughs *and cities of the third class* of the Commonwealth furnish each person, on the payment of taxes, with a numbered receipt, setting out date, name of tax-payer, amount of tax and district in which tax-payer is assessed, from a book to be furnished by the county commissioners, containing a stub, that on the stub memoranda shall be made in ink of the number of the receipt, the date, name of tax-payer, amount of tax and district in which tax-payer is assessed."

Section 3. That section 2 of said act, which reads as follows: "Section 2. That twenty days before each election the tax collector of townships *and* boroughs shall send a sheet to the

office of the county commissioners containing the number of each receipt issued, date of payment, name of taxpayer, amount of tax and district in which taxpayer is assessed for the period since the last report. The first report shall be for taxes received on and after June first, one thousand eight hundred and ninety-five," and the same is hereby amended so as to read as follows:

"Section 2. That twenty-five days before each election the tax collector of townships, boroughs *and cities of the third class* shall send a sheet to the office of the county commissioners containing the number of each receipt issued, date of payment, name of tax-payer, amount of tax and district in which taxpayer is assessed for the period since the last report. The first report shall be for taxes received on and after June first, one thousand nine hundred and eleven."

APPENDIX C

REGISTRATION OF VOTERS IN CITIES OF THE THIRD CLASS.

This act supplies parts of the fifteenth section of the Act of 1874, P. L., 39, and Act of 1874, P. L., 44, Sec. 1. Commission's Codification, page 3, Secs. 8 and 9.

Proposed change: To extend the term of registry assessor in cities of the third class from two to four years; because this is uniform with the term of the real estate assessor, who is frequently the same person as the registry assessor in his election district; it makes the term uniform with registry assessors in boroughs and townships and with the terms of county commissioners, who revise and regulate the work of the registry assessors.

A complete new act is more desirable than to cite for amendment parts of two separate acts.

AN ACT

Fixing the term of registry assessors or assessors to perform only duties incident to the holding of elections and registration of voters in cities of the third class at four years.

Section 1. *Be it enacted, etc.,* that at the municipal election to be held on the Tuesday after the first Monday of November, nineteen hundred and eleven, and quadrennially thereafter, at the November municipal election, there shall be elected in each election district or precinct in all cities of the third class in the Commonwealth, a properly qualified person for registry assessor, to perform only such duties as are now and as heretofore have been required by law of assessors, registry or assistant assessors, incident to the holding of elections and registration of voters.

Section 2. That the term of such assessors shall begin on the first Monday of December following their election and shall continue for four years.

Section 3. The compensation of such assessors shall be the same as now fixed by law.

Section 4. That all laws inconsistent with this are hereby repealed.

APPENDIX D

REGISTRATION OF VOTERS BY REGISTRY ASSESSORS IN ALL ELECTION DISTRICTS.

Amendment to Section 1 of the Act of May 29, 1891, P. L., 134.

Commissioners Codification, p. 6, section 20.

Purpose of Amendment: To dispense with registry in December—no longer necessary, because February elections are abolished. It also fixes the first Saturday of May as the time to begin his work—as in every odd numbered year that will be the day of the Spring Primary, which will be a convenient time and place for the beginning of the registry of voters.

AN ACT

To amend an act approved May 29, 1891, amending an act approved January 30, 1874, the former being entitled “An Act to amend sections one, two and three of an act, entitled ‘A further supplement to the act regulating elections in this Commonwealth,’ approved the thirteenth day of January, Anno Domini one thousand eight hundred and seventy-four, changing the time and manner of making the registry of voters and the duties of registry assessors,” by abolishing the December registry.

Section 1. *Be it enacted, etc.,* that so much of section 1 of an act, approved May 29, 1891, entitled “An act to amend sections one, two and three of an act entitled ‘A further supplement to an act regulating elections in this Commonwealth,’ approved the thirteenth day of January, Anno Domini one thousand eight hundred and seventy-four, changing the time and manner of making the registry of voters and the duties of registry assessors,” which reads as follows;

“Section 1. That for the purpose of making the original annual assessment and registration of voters in each of the

election districts of this Commonwealth, it shall be the duty of each of the assessors, who are required to perform any of the duties incident to the holding of elections and the registration of voters in the different election districts of this Commonwealth, to visit in person each and every dwellinghouse in his district on the first *Monday* in May and on the first *Monday* in *December* of each year, or as soon thereafter as may be possible and practicable, when all of said dwelling houses cannot be personally visited by him on the said first *Monday* of May and on the first *Monday* in *December*," shall be and is hereby amended so as to read as follows:

Section 1. That for the purpose of making the original annual assessment and registration of voters in each of the election districts of this Commonwealth, it shall be the duty of each of the assessors, who are required to perform any of the duties incident to the holding of elections and the registration of voters in the different election districts of this Commonwealth, to visit in person each and every dwelling house in his district on the first *Saturday* in May, or as soon thereafter as may be possible and practicable, when all of said dwelling houses cannot be personally visited by him on the said first *Saturday* of May.

APPENDIX E

ASSESSMENTS OF VOTERS BY REGISTRY ASSESSORS.

See Act of May 16, 1895, P. L., 75, Sec. 3.

Commission's Codification, page 9, section 26.

Proposed Amendment: To strike out the December Registry—because of the abolition of the February Election.

AN ACT

Amending an act approved May 16, 1895, entitled "An act to amend sections two and three of an act, entitled 'A further supplement to the act regulating elections in this Commonwealth,' approved the twenty-ninth day of May, one thousand eight hundred and ninety-one, changing the time and manner of making the registry of voters and the duties of registry assessors."

Section 1. *Be it enacted, etc.,* that section 3 of an act approved May 16, 1895, entitled "An act to amend sections two and three of an act, entitled 'A further supplement to the act regulating elections in this Commonwealth,' approved the twenty-ninth day of May, one thousand eight hundred and ninety-one, changing the time and manner of making the registry of voters and the duties of registry assessors," which reads as follows:

"Section 3. After the assessments have been completed on the sixty-second day before the third Tuesday of February, and on the sixty-second day before the Tuesday next following the first Monday of November in each year, the assessor shall, on the following day, make a return to the county commissioners of the 'Original Registry List' thus revised and completed, and the county commissioners shall thereupon proceed to make out a complete list in alphabetical order of all persons so returned as taxables in said election district, and furnish

the same together with the necessary election blanks to the officers of the election in such election district on or before seven o'clock in the morning of the election, and no man shall be permitted to vote at the election on that day whose name is not on said list unless he shall make proof of his right to vote as hereinbefore required. *'The Original Registry List,' as returned to the county commissioners preceding the November election, shall be returned to the county commissioners to the assessor before the first Monday of December, which shall be used by said assessor to make his original registry list for December, as heretofore provided,*" shall be and is hereby amended so as to read as follows:

Section 3. After the assessments have been completed on the sixty-second day before the Tuesday next following the first Monday of November in each year, the assessor shall, on the following day, make a return to the county commissioners of the "Original Registry List" thus revised and completed, and the county commissioners shall thereupon proceed to make out a complete list in alphabetical order of all persons so returned as taxables in *all and every election district in the townships and boroughs of this Commonwealth*, and furnish the same, together with the necessary election blanks, to the officers of the election in such election district, on or before seven o'clock in the morning of the election; and no man shall be permitted to vote at the election on that day whose name is not on said list, unless he shall make proof of his right to vote as hereinafter required.

APPENDIX F

REGISTRATION IN CITIES OF THE THIRD CLASS

This act contemplates that in cities of the third class the registry assessors shall make the original canvass and registry of voters after the usual Spring changes; the same as is provided for boroughs and townships in Secs. 20, 21, 22 and 23 of the Code. Sections 24, 25 and 26 of the Code, relating to boroughs and townships, are superseded and supplied by this act, which prescribes more rigid regulations for registration in cities of the third class; but abolishes and obviates the necessity of personal attendance upon the registrars.

See Acts of 1906, P. L., 63, and 1907, P. L., 251. To be repealed and supplied by this law.

AN ACT

To provide for the revision of the registration of voters in cities of the third class; by registers appointed by the county commissioners; and prescribing penalties for their violation or neglect of duty and for other misconduct.

Section 1. *Be it enacted, etc.,* that the county commissioners of each county in which are located cities or a city of the third class, shall not later than September 1, 1911, and thereafter not later than September 1st, every fourth year, being the year succeeding a Gubernatorial election, appoint two registrars for each election precinct in such city or cities, to serve for a term of four years, and until their successors are duly qualified. The said registrars must be duly qualified electors of the precinct or ward for which they are appointed, and must have been residents of the city in which said precinct or ward is situated for a period of two years before their said appointment, and of the precinct or ward for one year immediately preceding the same. They must be sober and judicious persons, of good moral character, able to read intelligently and to write legibly. One of the said regis-

trars shall be a member of the party polling the highest vote within the election precinct or ward at the last preceding Presidential election and the other shall be a member of the party polling the next highest vote. It is the intent of this act that at all times the Board of Registrars shall be, as nearly as may be, evenly divided in political faith, and, therefore, if it appear that at any time, by reason of a change in political affiliations or because of error in the appointment, the Board is not so evenly divided, any ten electors of the district may file a petition with the county commissioners, setting forth the facts, and praying that the changed or erroneous appointments may be revoked and another appointment made instead. The county commissioners shall grant a public hearing, and if they find the facts to be as represented, they shall give the relief asked for. No person who holds, or is a candidate for, a public office shall act as registrar.

Section 2. The county commissioners shall also be empowered to remove any of the said registrars for misconduct or malfeasance in office.

Section 3. The names of two suitable persons to be registrars shall be suggested to the county commissioners, by petitions duly filed for each precinct or ward, by the party representatives of the two leading parties of the precinct or ward. The petitions shall be signed by five electors of the district, and shall set forth the names, addresses, occupations, and political affiliations of the persons suggested. The signers of the petitions shall swear to the truth of the facts set forth therein. The petition shall remain on file, open to the public inspection, at least ten days before the persons named therein shall be appointed, except in cases where a vacancy occurs in the office of registrar within ten days of a registration day, when the appointment can be made without such delay. If no petitions are filed, the county commissioners may appoint. No appointment shall be made unless the person who desires to be appointed personally appears before the county commissioners and satisfies them of his qualifications. In case of reappointment, however, it shall not be necessary for him to appear before them.

Section 4. At least one week's notice of the time and place of the examination of the suggested registrars shall be given by the county commissioners, in the daily press; and any elector may appear, either in person or by counsel, and object to the qualification of any applicant. If the persons nominated are found not to be properly qualified, the county commissioners may decline to appoint them; and the party authorities of the precinct or ward may then suggest another name, or other names, for the said place or places, and failing to do so the commissioners shall appoint.

Section 5. The registrars shall receive a compensation of five dollars a day, for the time actually spent in the work of registration.

Section 6. The registrars of each election district shall meet at the polling-places thereof, on the seventh Tuesday and third Saturday preceding every November election, and shall remain in open session, from eight ante meridian to one post meridian, two to six post meridian, and from seven post meridian to ten post meridian, of each registration day.

Section 7. They shall, at the first of such meetings herein provided for, viz.: on the seventh Tuesday before the November election, obtain and receive from the county commissioners, who shall deliver to them the "Original Registry List" provided for in the laws regulating the assessment of voters by the assistant or registry assessors. They shall proceed to make out two complete lists in alphabetical order of all persons returned thereon as legal voters; noting their reported place of residence, street and number.

Section 8. They shall, at each of said meetings, revise and purge said lists by adding thereto any names of qualified electors—proved by the written affidavits of two qualified electors—who have been omitted therefrom; and they shall strike from the list the names of such persons as shall be proved, to their satisfaction, by the affidavits of at least two qualified electors of the precinct or ward, to have died, or removed from the district, since the original registry.

Section 9. They shall obtain and receive from the county commissioners and the county commissioners shall deliver to them the originals or copies of the tax collectors' reports provided for by the laws of this Commonwealth to be made by the tax collectors for their election districts for the two preceding years; and therefrom they shall obtain the information and record opposite each voter's name the date of his last payment of a state or county tax.

Section 10. Parties or bodies of electors, who are now, or hereafter may be, entitled to have watchers at the general election, shall be allowed to appoint not more than three electors of the precinct or ward to act as watchers in each place of registry, without expense to the county, on each registration day. No more than one watcher from such party shall be allowed in the registry place at any one time. Each watcher shall be provided with a certificate from the county commissioners, stating his name and the party or policy he represents. Watchers shall be entitled to be present during all of the public sessions herein provided for, and shall be required to show their certificates when requested to do so. They shall have the power to challenge.

Section 11. At the end of each day's registration the registrars shall compare the two registrars, so kept, and cause any errors in either of them to be corrected by aid of the entries in the other, so as to make the same agree, where there is any difference between them. The registrars shall then sign their initials on the line immediately under the last names registered, under each letter, in both books, together with the date. At the close of the registrations, the registrars shall sign a certificate, the form of which shall be printed on the last page of the registers, setting forth the number of persons added to the "original registry" on each day, and the number of names which have been stricken out, if any.

Section 12. If any citizen shall object to the action of the registrars in accepting or rejecting any claim for registration, or to any record or act of registration, he may file his petition with the county commissioners, setting forth the ground of his com-

plaint, within five days. If the complaint is to the acceptance of a claim, notice to the claimant shall be given by leaving a written or printed notice at his place of residence, as given by him to the registrars and recorded on the registers. When such petitions are filed the county commissioners shall fix a time and place for hearing them, sufficiently in advance of the election to enable the same to be heard and disposed of prior thereto, and to have a review thereof by the courts. Such hearing shall be public, before the county commissioners, and the registers of voters may be amended, either by the insertion of a new name or the cancellation of a name already on the registers, or otherwise, as the county commissioners may order. The county commissioners may enforce their orders as herein provided, or may make the amendments themselves or by their clerks.

Section 13. Any elector who is not satisfied with the decision of the county commissioners, may petition the court of common pleas, or any judge thereof at chambers, setting forth the reasons why he feels that injustice has been done, and thereupon the said court of common pleas or judge may, in its or his discretion, allow an appeal from the decision of the county commissioners. And the court, after a public hearing, may reverse, affirm, or alter the decision of the county commissioners. Said appeals must be made not later than five days preceding the election.

Section 14. The county commissioners shall supply to the registrars the blank books, forms and other supplies prepared for their use, before the first registration day. On registration days, and during the time from one such day to another, until the close of the registration period, the said registrars shall have the custody and control, and shall be charged with the safe-keeping, of the registers in which they have made entries, together with all affidavits, forms, and so forth, which have been taken in duplicate, as hereinbefore provided, the county commissioners shall furnish to the election officers and they shall return them to the county commissioners on the Monday after the third Saturday before the November election.

Section 15. On or before seven o'clock on the morning of election day the County Commissioners shall furnish the two lists of the completed registry of voters to the officers of the election in their respective election districts.

Section 16. No person who appears on said lists to be a legally qualified voter shall be subject to challenge; and the vote of each person on said list shall be accepted by the election officers.

Section 17. No person who does not appear on said list to be a legally qualified elector shall be permitted to vote.

Section 18. After the election, the election officers shall deposit one of the registry lists with the voters' list in the ballot box; the other registry list shall be returned to the county commissioners, and the registers shall deliver all affidavits, vouchers, unused forms and other papers to the county commissioners, who shall retain them for one year at least except in cases of contested elections, when they shall be under the control and abide the order of the court hearing the contest.

Section 19. The county commissioners of each county, upon proper vouchers, shall provide for the payment of the registrars provided by this act. They shall furnish proper rooms for the accommodation of themselves and their records. They shall also prepare and have printed, at the expense of the county, all the registers, affidavits, blanks, blank books, and stationery required by the provisions of this act, or which are reasonably necessary to carry out its provisions, and shall provide for their proper distribution to the registrars. It shall also be their duty to see that the polling places are open and in proper order for the use of the registrars.

Section 20. The two registers shall be used at elections by the election officers, in the place of the ballot check-list and the voting check-list. One of the said registers shall be marked "ballot check-list," and the other shall be marked "voting check-list." The ballot check-list shall be returned to the County Commissioners and the voting check list shall be deposited in the ballot box.

Section 21. Any registrar wilfully violating any of the pro-

visions of this act; or wilfully registering any false statement, or any elector as qualified whom he knows not to be qualified, or excluding from the registry any voter whom he knows to be qualified, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment for not less than thirty days nor more than a year, and a fine of not less than one hundred dollars (\$100) and not more than one thousand dollars (\$1,000) and in addition thereto he shall be deprived of the right of suffrage for a term of four years from the date of his sentence.

Section 22. Any elector who shall wilfully make any false affidavit or statement to any registrar, with intent to procure the registration of an elector not qualified or to exclude or prevent the registration of an elector who is qualified, shall be deemed to have committed perjury and shall be punishable as other perjury is punished, and in addition thereto he shall be deprived of the right of suffrage for a term of four years from the date of his sentence.

Section 23. All laws, acts of assemblies or parts of such acts inconsistent herewith or conflicting with the provisions of this act are hereby repealed.

Section 24. The act of assembly approved March 6, 1906, P. L., 63, entitled "An act to provide for the personal registration of electors in cities of the third class of this Commonwealth, to make such registration a condition of the right to vote in such cities, and to provide penalties for violation of its provisions," is hereby expressly repealed.

Section 25. The act of assembly approved May 25, 1907, P. L., 251, entitled "An act amending sections three, seven, twelve thirteen of an act entitled 'An act to provide for the personal and registration of electors in cities of the third class of this Commonwealth, to make such registration a condition of the right to vote in such cities, and to provide penalties for violation of its provisions,'" approved the fifth day of March, Anno Domini one thousand nine hundred and six; increasing the compensation of registrars in said cities, and providing for an additional registration day, is hereby expressly repealed.

APPENDIX G

PERSONAL REGISTRATION IN CITIES OF THE FIRST AND SECOND CLASSES

Amendments to Act of 1906, P. L. 49 and Act of 1907, P. L.
395.

Commission's Codification, sections 29 to 54.

Purpose of Amendments: (1) To change the registration days to conform to the Constitutional Amendment abolishing the February election. (2) To change the form of register. (3) To define the method of proving the payment of tax. (4) Requiring all petitions to be under oath and authorizing the Chief Clerk of the Board of Registration Commissioners to administer such oaths.

AN ACT

To amend an act entitled "An Act to provide for the personal registration of electors in cities of the first and second classes of this Commonwealth, to make such registration a condition of the right to vote in such cities, and to provide penalties for violation of its provisions," approved the seventeenth day of February, Anno Domini one thousand nine hundred and six, by changing the registration days; by changing the form of the register; defining the method of proving the payment of tax; requiring all petitions to be under oath and empowering the chief clerk of the Board of Registration Commissioners to administer such oaths.

SECTION I. Be it enacted, etc., That section two of an act entitled "An act to provide for the personal registration of electors in cities of the first and second classes of this Commonwealth, to make such registration a condition of the right to vote in such cities, and to provide penalties for violations of its provisions," approved the seventeenth of February, Anno Domini one thousand nine hundred and six, which reads as follows:

"SECTION 2. 'Commissioners,' as used herein, has reference to Registration Commissioners; 'oath' includes affirmation, and 'swear' includes affirm, wherever used. All references to public officers or municipal authorities, where not otherwise specified, shall be understood to refer to the authorities of the proper county or judicial district. 'Party,' as used herein, has reference to a political party which, at the last election, polled two per centum of the vote cast in any city or election district for the candidate receiving the largest vote therein. 'Register' means the book containing, or to contain, the registry list of electors, prepared by the registrars. '*General election*' means the election held in November,' " be amended to read as follows:

SECTION 2. "Commissioners," as used herein, has reference to Registration Commissioners; "oath" includes affirmation, and "swear" includes affirm, wherever used. All references to public officers or municipal authorities, where not otherwise specified, shall be understood to refer to the authorities of the proper county or judicial district. "Party," as used herein, has reference to a political party which, at the last election, polled two per centum of the vote cast in any city or election district for the candidate receiving the largest vote therein. "Register" means the book containing, or to contain, the registry list of electors, prepared by the registrars.

SECTION 2. That section six of said act as amended by section two of an act approved the third day of June, Anno Domini one thousand nine hundred and seven, which reads as follows:

"SECTION 6. The registrars of each division shall meet at the polling-place thereof on the ninth Thursday, seventh Tuesday, and fifth Saturday preceding every November election, *and on the fifth Saturday preceding every municipal election and on the day of the Spring primary*, and shall remain in open session from seven ante meridian to ten ante meridian, and from four post meridian to ten post meridian, of each registration day.

They shall, on said days, receive personal applications from persons who claim that they are entitled to be registered. They shall have power to administer oaths, shall examine said applicants under oath, and shall record on the register the names of those whom they shall determine to be qualified, as hereinafter provided. Two weeks' notice of the registration days shall be given by the commissioners, by publication in two daily newspapers in the city, and by posting notices at the polling-places. Electors who did not register at fall registration may register at *Winter or Spring* registration, and the list shall become of no validity at the beginning of the period of fall registration next succeeding that at which the registers were opened. The old registers shall be preserved by the commissioners for at least two years after the year in which they are in use," be amended to read as follows:

SECTION 6. The registrars of each division shall meet at the polling-place thereof on the ninth Thursday, seventh Tuesday, and fifth Saturday preceding every November election, and on the *fifth Wednesday preceding every* primary, and shall remain in open session from seven ante meridian to ten ante meridian, and from four post meridian to ten post meridian, of each registration day. They shall, on said days, receive personal applications from persons who claim that they are entitled to be registered. They shall have power to administer oaths, shall examine said applicants under oath, and shall record on the register the names of those whom they shall determine to be qualified, as hereinafter provided. Two weeks' notice of the registration days shall be given by the commissioners, by publication in two daily newspapers in the city, and by posting notices at the polling-places. Electors who did not register at fall registration may register at Spring registration, and the list shall become of no validity at the beginning of the period of fall registration next succeeding that at which the registers were opened. The old registers shall be preserved by the

commissioners for at least two years after the year in which they are in use.

SECTION 3. That section seven of said act as amended by section three of said act of June third, 1907, which reads as follows :

“SECTION 7. Every person claiming the right to vote must appear in person before the registrars, in the district in which he lives, on one of the days prescribed by law, and answer the questions put to him by them. These answers must be recorded, on a single line, in two registers, which shall have the following form. The size and character of the said register shall be determined by the Secretary of the Commonwealth, and the form thereof shall be furnished by the said Secretary to the respective commissioners.

Immediately above the form shall be printed the following instructions: The applicant must be sworn, or affirmed that the information given by him in reference to his right to be registered shall be the truth. Any wilful false statement constitutes perjury, and is punishable as such.

Every register shall be indexed alphabetically from A to Z. The answers of the applicants shall be recorded, in their presence, in both registers, in the following manner: In the first column shall be entered the surname of the applicant, in the order of his appearance at the polling-place, on the page bearing the index letter of his surname; in the second column shall be entered his Christian name or names; in the third column, his occupation; in the fourth column, the street and number of his residence; in the fifth and sixth columns, whether he is a lodger, lessee, or owner, and, if he is a lodger or is lessee of a portion only of a house, the location or number of the room or floor which he occupies; in the seventh and eighth columns shall be entered the length of his residence in the State and district, respectively; in the ninth, tenth, eleventh, and twelfth columns, the location of the house from which he last registered, giving State, city, street, and number, respectively, and the year in which he is so registered; in the thirteenth column, the State or territory of the United States, or the foreign country, where he was born; in the fourteenth column, whether, being foreign born, he produces his naturalization papers; in the fifteenth column, the number of the affidavit of naturalization of his father, if taken; in the sixteenth and seventeenth columns, the manner in which he complies with the law relating to the payment of taxes as a qualification of the right to vote, whether by the production of his receipt or by making affidavit; if the applicant is less than twenty-two years of age, the word "age" shall be recorded in said column; in the eighteenth, nineteenth, twentieth, and twenty-first columns, his personal description, designating whether white or colored, his approximate age, height, and weight; in the twenty-second column, in

the register marked "voting check-list," he shall be required to sign his name, if able to write; if he alleges inability to write, a record of the fact shall be made in the same column; and unless due to some apparent physical infirmity, he shall be required to make affidavit of his inability to write; in the twenty-second column in the register marked "ballot check-list," he shall, if challenged on election day, be required to sign his name; in the twenty-third column shall be entered the number of the challenge affidavit of every person who is required to take said affidavit; in the twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh, and twenty-eighth columns the election officers shall record, in one register, the obtaining of the ballot, and, in the other, the casting of the vote of the registered elector at the general, municipal, primary, or special elections, as hereinafter provided, or as may hereafter be provided by law," be amended to read as follows:

SECTION 7. Every person claiming the right to vote must appear in person before the registrars, in the district in which he lives, on one of the days prescribed by law, and answer the questions put to him by them. These answers must be recorded, on a single line, in two registers, which shall have the following form. The size and character of the said register shall be determined by the Secretary of the Commonwealth, and the form thereof shall be furnished by the said Secretary to the respective commissioners.

Surname	Christian Name	Occupation	Present Residence		
			Street Number	Lodger, Lessee or Owner	Room or Floor Occupied
1	2	3	4	5	6

Length of Residence		Place of Residence at time of Last Registration				Place of Birth	Naturalization Papers Produced, Yes or No	No. of Affidavit of Naturalization of Father, if Taken	Tax Receipts Produced, Yes or No
In State	In District	State	City	Street and Number					
7	8	9	10	11	12	13	14	15	16

No. of Affidavit of loss, if taken. If under 22 years of age write "Age"	Date of Payment of Tax	Personal Description				Signature at time of Registration or of Voting
		Color	Approximate Age	Tall, Short or Medium	Approximate Weight	
17	18	19	20	21	22	23

	If Challenged. No. of Challenge Affidavit	VOTED			
		These columns are for use at election and are not to be filled in by Registrars			
		November Election	Fall Primary	Spring Primary	Special Elections
24		25	26	27	28

Immediately above the form shall be printed the following instructions: The applicant must be sworn, or affirmed that the information given by him in reference to his right to be registered shall be the truth. Any wilful false statement constitutes perjury, and is punishable as such.

Every register shall be indexed alphabetically from A to Z. *The lines of each page shall be consecutively numbered in both margins, beginning with the number one at each alphabetical division of the register.* The answers of the applicants shall be recorded, in their presence, in both registers, in the following manner: In the first column shall be entered the surname of the applicant, in the order of his appearance at the polling-place, on the page bearing the index letter of his surname; in the second column shall be entered his Christian name or names; in the third column, his occupation; in the fourth column, the street and number of his residence; in the fifth and sixth columns, whether he is a lodger, lessee, or owner, and, if he is a lodger or is lessee of a portion only of a house, the location or number of the room or floor which he occupies; in the seventh and eighth columns shall be entered the length of his residence in the State and district, respectively; in the ninth, tenth, eleventh, and twelfth columns, the location of the house from which he last registered, giving State, city, street, and number, respectively, and the year in which he is so registered; in the thirteenth column, the State or territory of the United States, or the foreign country, where he was born; in the fourteenth column, whether, being foreign born, he produces his naturalization papers; in the fifteenth column, the number of the affidavit of naturalization of his father, if taken; in the sixteenth and seventeenth columns, the manner in which he complies with the law relating to the payment of taxes as a qualification of the right to vote, whether by the production of his receipt or by making affidavit; if the applicant is less than twenty-two years of age, the word "age" shall be recorded in said column; *in the eighteenth column, the date of payment of tax;* in the nine-

teenth, twentieth, twenty-first and twenty-second columns, his personal description, designating whether white or colored, his approximate age, height, and weight; in the twenty-third column, in the register marked "voting check-list," he shall be required to sign his name, if able to write; if he alleges inability to write, a record of the fact shall be made in the same column; and unless due to some apparent physical infirmity, he shall be required to make affidavit of his inability to write; in the twenty-third column in the register marked "ballot check-list," he shall, if challenged on election day, be required to sign his name; in the twenty-fourth column shall be entered the number of the challenge affidavit of every person who is required to take said affidavit; in the twenty-fifth, twenty-sixth, twenty-seventh, and twenty-eighth columns the election officers shall record, in one register, the obtaining of the ballot, and, in the other, the casting of the vote of the registered elector at the general, municipal, primary, or special elections, as hereinafter provided, or as may hereafter be provided by law.

SECTION 4. That section eight of said act, which reads as follows:

"SECTION 8. Every person who possesses the qualifications of an elector, as provided in the Constitution and laws of this Commonwealth, or who by continued residence in his election district will obtain such qualifications before the next ensuing election, shall be entitled to be registered; but no person shall be registered unless at least three of the registrars determine that he is so qualified," be amended to read as follows:

SECTION 8. Every person who possesses the qualifications of an elector, as provided in the Constitution and laws of this Commonwealth, or who by continued residence in his election district will obtain such qualifications before the next ensuing election, shall be entitled to be registered; but no person shall be registered unless at least three of the registrars determine that he is so qualified. *When the person offering to register claims the right on payment of tax,*

the receipt for such tax, if signed by the proper officer, shall be evidence thereof; if such person is unable to produce such receipt, then the payment of the tax may be proved by the oath of such person, stating when, where and to whom such tax was paid, and that the receipt therefor has been lost, destroyed or is inaccessible.

SECTION 5. That section ten of said act as amended by section five of the said act of June third, 1907, which reads as follows:

“SECTION 10. On the registration day preceding the *February election* the registrars shall, in addition to the registration of electors, strike from the list the names of such persons as shall be proven, to their satisfaction, by the affidavits of at least two qualified electors of the ward, to have died, or removed from the district, since the last registration. The registrars shall record, on blank forms provided for that purpose, the names and previous places of registration, giving wards and districts, of all persons registered by them on said day, who give, as such place of previous registration, a place in the same city, and shall forward the same to the commissioners for their information. Thereafter, upon the return of the registers to the office of the commissioners, it shall be their duty to examine the same, and, wherever registered persons have given as their last place of registration another election district in the same city, to strike said name from the register of said district, of prior residence, and to note thereon the reason for so removing the name. At any time between the *November election and the next registration day, or between the February election* and the tenth day prior to the Spring primary, any registered elector who has removed from one election district to another in the same city, *sixty days prior to the February election, or sixty days prior to the Spring primary*, may apply at the office of the commissioners and have the registry of his name transferred from the district from which he has removed to the one in which he has taken up his new residence. It shall be the duty of the

commissioners, upon satisfactory proof of the elector's identity, to strike his name from the register in the district from which he has removed, to examine him in the regular way as to his qualifications, and, if his answers are satisfactory to register him in the district to which he has removed," be amended to read as follows:

SECTION 10. On the registration day preceding the *Spring primary* the registrars shall, in addition to the registration of electors, strike from the list the names of such persons as shall be proven, to their satisfaction, by the affidavits of at least two qualified electors of the ward, to have died, or removed from the district, since the last registration. The registrars shall record, on blank forms provided for that purpose, the names and previous places of registration, giving wards and districts, of all persons registered by them on said day, who give, as such place of previous registration, a place in the same city, and shall forward the same to the commissioners for their information. Thereafter, upon the return of the registers to the office of the commissioners, it shall be their duty to examine the same, and, wherever registered persons have given as their last place of registration another election district in the same city, to strike said name from the register of said district, of prior residence, and to note thereon the reason for so removing the name. At any time between the *general* election and the tenth day prior to the *Spring primary*, any registered elector who has removed from one election district to another in the same city, *two months* prior to the *Spring primary*, may apply at the office of the commissioners and have the registry of his name transferred from the district from which he has removed to the one in which he has taken up his new residence. It shall be the duty of the commissioners, upon satisfactory proof of the elector's identity, to strike his name from the register in the district from which he has removed, to examine him in the regular way as to his qualifications, and, if his answers are satisfactory, to register him in the district to which he has removed.

SECTION 6. That section thirteen of said act, which reads as follows:

"SECTION 13. At the end of each day's registration the registrars shall compare the two registers, so kept, and cause any errors in either of them to be corrected by aid of the entries in the other, so as to make the same agree, where there is any difference between them. All of the registrars shall then sign their initials on the line immediately under the last names registered, under each letter, in both books, together with the date. At the close of both Fall and *Winter* registrations, the registrars shall sign a certificate, the form of which shall be printed on the last page of the register, setting forth the number of persons registered on each day, and the number of names which have been stricken out, if any," be amended to read as follows:

SECTION 13. At the end of each day's registration the registrars shall compare the two registers, so kept, and cause any errors in either of them to be corrected by aid of the entries in the other, so as to make the same agree, where there is any difference between them. All of the registrars shall then sign their initials on the line immediately under the last names registered, under each letter, in both books, together with the date. At the close of both Fall and *Spring* registrations, the registrars shall sign a certificate, the form of which shall be printed on the last page of the register, setting forth the number of persons registered on each day, and the number of names which have been stricken out, if any.

SECTION 7. That section fifteen of said act as amended by section six of said act of June third, 1907, which reads as follows:

"SECTION 15. If any citizen shall object to the action of the registrars in accepting or rejecting any claim for registration, he may file his petition, duly sworn to by said citizen, with the commissioners, setting forth the ground of his complaint. If the complaint is to the acceptance of a claim, notice to the claimant shall be given by leaving a

written or printed notice at his place of residence, as given by him to the registrar and recorded in the register. When such petitions are filed the commissioners shall fix a time and place for hearing them, sufficiently in advance of the election to enable the same to be heard and disposed of prior thereto, and to have a review thereof by the courts. Such hearing shall be public, before the commissioners, and the register of voters may be amended, either by the insertion of a new name or the cancellation of a name already on the register, or otherwise, as the commissioners may order. The commissioners may enforce their orders as herein provided, or may make the amendments themselves or by their clerks. All such applications for correcting the register must be made not later than fifteen days prior to an election.

The applicant, or any elector who is not satisfied with the decision of the commissioners, may petition the court of common pleas, setting forth the reason why he feels that injustice has been done, and thereupon the said court of common pleas may, in its discretion, allow an appeal to it from the decision of the commissioners. The said court may then fix a day for a public hearing, of which notice shall be served by the petitioner upon the commissioners and upon the person or his attorney who opposed his contention before the commissioners, together with a copy of the petition, at least five days before such public hearing may take place, proof of which must be exhibited to the court. The said court, after such public hearing, may reverse, affirm, or alter the decision of the commissioners. Said petitions for appeals must be filed not later than ten days preceding an election.

Any qualified elector who was too ill to appear at the polling-place on all of the registration days, or who was unavoidably absent from the county on all of said days, may present his petition to the commissioners *at any time, up to two weeks before the general election*, setting forth the facts of his illness or unavoidable absence, and setting forth in detail, the information required to be recorded in the reg-

ister, and praying that his name may be added to the register in the proper division. After this petition shall have remained in the office of the commissioners, open to public inspection, for at least two days, hearing shall be granted; the petitioner shall personally appear, and if the facts are proven, to the satisfaction of the commissioners, to be as reported, they shall order the name of the petitioner to be inserted on the register in the proper place. This hearing shall be public; and any qualified elector shall have the right to challenge and to require proper proof of identity, as in the case of registry before the registrars. If any person is not satisfied with the decision of the commissioners, he may appeal to the court of common pleas, as in other cases. The commissioners shall also have power to investigate, on their own motion, any irregularities in registration, and shall have power to summon witnesses, to examine them under oath, and to require the production of the books and papers of the registrars," be amended to read as follows:

SECTION 15. If any citizen shall object to the action of the registrars in accepting or rejecting any claim for registration, he may file his petition, duly sworn to by said citizen, with the commissioners, setting forth the ground of his complaint. If the complaint is to the acceptance of a claim, notice to the claimant shall be given by leaving a written or printed notice at his place of residence, as given by him to the registrar and recorded in the register. When such petitions are filed, the commissioners shall fix a time and place for hearing them, sufficiently in advance of the election to enable the same to be heard and disposed of prior thereto, and to have a review thereof by the courts. Such hearing shall be public, before the commissioners, and the register of voters may be amended, either by the insertion of a new name or the cancellation of a name already on the register, or otherwise, as the commissioners may order. The commissioners may enforce their orders as herein provided, or may make the amendments themselves or by their clerks. All such applications for correcting the

register must be made not later than fifteen days prior to an election.

The applicant, or any elector who is not satisfied with the decision of the commissioners, may petition the court of common pleas, setting forth the reason why he feels that injustice has been done, and thereupon the said court of common pleas may, in its discretion, allow an appeal to it from the decision of the commissioners. The said court may then fix a day for a public hearing, of which notice shall be served by the petitioner upon the commissioners and upon the person or his attorney who opposed his contention before the commissioners, together with a copy of the petition, at least five days before such public hearing may take place, proof of which must be exhibited to the court. The said court, after such public hearing, may reverse, affirm, or alter the decision of the commissioners. Said petitions for appeals must be filed not later than ten days preceding an election.

At any time up to two weeks before any election or primary any qualified elector who was too ill to appear at the polling place on all of the registration days *preceding such election or primary*, or who was unavoidably absent from the county on all of said days may present his petition to the commissioners, setting forth the facts of his illness or unavoidable absence, and setting forth in detail the information required to be recorded in the register, and praying that his name may be added to the register in the proper division. After this petition shall have remained in the office of the commissioners, open to public inspection, for at least two days, hearing shall be granted; the petitioner shall personally appear, and if the facts are proven, to the satisfaction of the commissioners, to be as reported, they shall order the name of the petitioner to be inserted on the register in the proper place. This hearing shall be public; and any qualified elector shall have the right to challenge and to require proper proof of identity, as in the case of registry before the registrars. If any person is not satisfied with the decision of the commissioners, he may appeal to the

court of common pleas, as in other cases. The commissioners shall also have power to investigate, on their own motion, any irregularities in registration, and shall have power to summon witnesses, to examine them under oath, and to require the production of the books and papers of the registrars.

SECTION 8. That section sixteen of said act as amended by section seven of said act of June third, 1907, which reads as follows:

“SECTION 16. The two registrars designated to keep the two registers shall obtain, at the office of the commissioners, the blank books, forms, and other supplies prepared for their use, before the first registration day in the Fall, and before the *Winter and Spring* registration days, and shall have the same at the polling-place on said days. On registration days, and during the time from one such day to another, until the close of the Fall registration period, the said registrars shall have the custody and control, and shall be charged with the safe-keeping, of the registers in which they have made entries, together with all affidavits, forms, et cetera, which have been taken in duplicate, as hereinbefore provided. During the same periods, the other two registrars shall be charged with the safe-keeping of the street lists which are in course of preparation by them. At the close of the registration, and before twelve o'clock noon on the following day, the two registrars who have been charged with the keeping of the registers shall deliver the same, together with one street list, all affidavits, vouchers, unused forms, et cetera, to the registration commissioners, at such place as may be designated by them. The said papers and books shall remain on file at a place designated by the commissioners, open to public inspection, under proper regulations for their safe-keeping; subject, however, to the further provisions of this act. The registration commissioners shall have power to appoint a chief clerk, and fix his compensation, at a sum not exceeding two thousand five hundred dollars per annum; a stenographer, who shall act as clerk, at a compensation not ex-

ceeding twelve hundred dollars per annum; and not more than fifteen clerks, for such time as may be necessary, at a compensation not exceeding three dollars per diem, for the time actually employed; and an attorney, whose compensation shall not exceed two thousand dollars per annum.

The county commissioners of each county, upon proper vouchers, shall provide for the payment of the commissioners, counsel, registrars, and other officers or clerks provided by this act. They shall furnish proper rooms for the accommodation of the commissioners and their records. They shall also, at the direction of the commissioners, prepare and have printed, at the expense of the county, all the registers, street lists, affidavits, blanks, blank books, and stationery required by the provisions of this act, or which, in the judgment of the commissioners, are reasonably necessary to carry out its provisions, and shall provide for their proper distribution to the commissioners and their registrars. It shall also be their duty to see that the polling-places are open and in proper order for the use of the registrars. They shall also deliver the two registers to the election officers, in the manner in which they are or may be required to deliver other election materials for use on election day," be amended to read as follows:

SECTION 16. The two registrars designated to keep the two registers shall obtain, at the office of the commissioners, the blank books, forms, and other supplies prepared for their use, before the first registration day in the Fall, and before the Spring registration day, and shall have the same at the polling-place on said days. On registration days, and during the time from one such day to another, until the close of the Fall registration period, the said registrars shall have the custody and control, and shall be charged with the safe-keeping of the registers in which they have made entries, together with all affidavits, forms, et cetera, which have been taken in duplicate, as hereinbefore provided. During the same periods, the other two registrars shall be charged with the safe-keeping of the street lists which are in course of preparation by them. At the close

of the registration, and before twelve o'clock noon on the following day, the two registrars who have been charged with the keeping of the registers shall deliver the same, together with one street list, all affidavits, vouchers, unused forms, et cetera, to the registration commissioners, at such place as may be designated by them. The said papers and books shall remain on file at a place designated by the commissioners, open to public inspection, under proper regulations for their safe-keeping; subject, however, to the further provisions of this act. The registration commissioners shall have power to appoint a chief clerk, and fix his compensation at a sum not exceeding two thousand five hundred dollars per annum; a stenographer, who shall act as clerk, at a compensation not exceeding twelve hundred dollars per annum; and not more than fifteen clerks, for such time as may be necessary, at a compensation not exceeding three dollars per diem,⁹ for the time actually employed; and an attorney, whose compensation shall not exceed two thousand dollars per annum. *All petitions provided for by this act shall be sworn to by at least one of the petitioners, and the chief clerk shall have power to administer such oaths.*

The county commissioners of each county, upon proper vouchers, shall provide for the payment of the commissioners, counsel, registrars, and other officers or clerks provided by this act. They shall furnish proper rooms for the accommodation of the commissioners and their records. They shall also, at the direction of the commissioners, prepare and have printed, at the expense of the county, all the registers, street lists, affidavits, blanks, blank books, and stationery required by the provisions of this act, or which, in the judgment of the commissioners, are reasonably necessary to carry out its provisions, and shall provide for their proper distribution to the commissioners and their registrars. It shall also be their duty to see that the polling-places are open and in proper order for the use of the registrars. They shall also deliver the two registers to the election officers, in the manner in which they are or may be required to deliver other election materials for use on election day.

APPENDIX H

UNIFORM PRIMARIES

Amendments to Act of 1906, P. L. 36 and Act of 1907, P. L. 199.

Commission's Codification, sections 78 to 115.

Purpose of Amendments: (1) *To change the dates of holding the primary.* (2) *To require the candidate's consent to any petition to place his name on the ballot.* (3) *To prevent a candidate from running on more than one ballot.* (4) *To provide for the withdrawal of candidates.* (5) *To define the right of a party to take part in the primary.* (6) *To provide a more effective method of securing a recount.*

AN ACT

To amend an act entitled "An Act providing a uniform method of electing certain party officers and delegates to State and National conventions and of making nominations for certain public offices; providing for the payment of the expenses of the same; making certain violations thereof misdemeanors, and prescribing penalties for the violation of its provisions," approved the seventeenth day of February, Anno Domini one thousand nine hundred and six, by providing for one primary each year in place of two; fixing the times for holding the same; defining the method of ascertaining the vote cast by a party for the purpose of determining its right to take part in a primary; providing that the signed consent of the candidate shall accompany every petition to place his name upon a primary ballot; providing that no candidate's name shall be printed upon the ballot of more than one party except with the consent of every such party; providing for the withdrawal of candidates, and requiring the Courts of Common Pleas to direct the County Commissioners to open the ballot boxes and recount the votes upon petition alleging specific fraud.

SECTION 1. Be it enacted, etc., That section two of an act entitled "An act providing a uniform method of electing certain party officers and delegates to State and National

conventions and of making nominations for certain public offices; providing for the payment of the expenses of the same; making certain violations thereof misdemeanors, and prescribing penalties for the violation of its provisions," approved the seventeenth day of February, Anno Domini one thousand nine hundred and six (Pamphlet Laws, page 36), which reads as follows:

"SECTION 2. *From and after November first, one thousand nine hundred and six, two primaries shall be held each year, in every election district of this Commonwealth in which nominations are to be made or delegates or party officers elected, as herein provided. One shall be held on the fourth Saturday before the February election, to be known as the Winter primary, the other shall be held on the first Saturday of June,—except in years when a President of the United States is to be elected, in which it shall be held on the second Saturday of April,—to be known as the Spring primary.*

Delegates to State and National conventions, except delegates-at-large to National conventions, which shall be elected by the State convention, *shall be elected at the Spring primary, throughout the Commonwealth, by any party or body of electors one of whose candidates, at either the general or February election preceding, polled two per centum of the largest entire vote cast in the State for any candidate at the last general election. Candidates for all offices to be filled at the general election, with the exception of those nominated by National or State conventions, shall be nominated at the Spring primary. Candidates for all offices to be filled at the February election shall be nominated at the Winter primary, and such party officers as are provided for by the rules of the several political parties to be elected by vote of the party electors, shall be elected at either or both primaries, by any political party or body of electors one of whose candidates, at either the general or February elections preceding such primary, polled two per centum of the largest entire vote cast, in the political dis-*

trict in which nominations are to be made or candidates elected, for any candidate at the last general election.

No delegates to State or National conventions, or officers of parties, shall be elected, or candidates for the public offices herein specified be nominated, in any other manner than as set forth in this act: Provided, that nothing herein contained shall prevent the nomination of candidates for borough or township offices, or other offices not herein specifically enumerated, in the manner provided by existing laws; or any association of electors, not constituting a party, from nominating candidates by nomination papers, as is provided by existing laws.

This act shall not apply to the nomination of candidates for Presidential electors, or to the nomination of candidates to be voted for at special elections to fill vacancies; but it shall not be construed to prevent the nomination of Presidential electors at primaries, if the rules of the respective parties so provide," be amended to read as follows:

SECTION 2. *A primary election* shall be held in each year in every election district in which nominations are to be made or delegates or party officers elected as herein provided, *for the following purposes:*

a. *The election of* delegates to State and National conventions (except delegates at large to National conventions which shall be elected by the State convention) by any party or body of electors *which* at either the general or *municipal* election preceding polled two per centum of the largest entire vote cast in the State for any candidate at the last general election.

b. *The nomination of candidates for all offices to be filled at the November election (except those nominated by National and State conventions)* by any political party or body of electors *which* at either the general or *municipal* election preceding polled two per centum of the largest entire vote cast in the political district in which nominations are to be made or candidates elected, for any candidate at the last general election.

c. The election of such party officers, by any party as defined in paragraph b, as are provided for by the rules of the party to be elected by vote of the party electors.

Such primary shall be held in even numbered years on the first Saturday of May, to be known as the Spring primary, and in odd numbered years on the fourth Saturday in September, to be known as the Fall primary.

The vote polled by any party shall be the largest vote polled by any candidate of such party who was not the candidate of any other party, or in case of no such candidate, then the straight party vote.

No delegates to State or National conventions, or officers of parties, shall be elected, or candidates for the public offices herein specified be nominated, in any other manner than as set forth in this act: Provided, that nothing herein contained shall prevent the nomination of candidates for borough or township offices, or other offices not herein specifically enumerated, in the manner provided by existing laws; or any association of electors, not constituting a party, from nominating candidates by nomination papers, as is provided by existing laws.

This act shall not apply to the nomination of candidates for Presidential electors, or to the nomination of candidates to be voted for at special elections to fill vacancies; but it shall not be construed to prevent the nomination of Presidential electors at primaries, if the rules of the respective parties so provide.

SECTION 2. That section three of said act which reads as follows:

“SECTION 3. On or before the ninth Saturday preceding the *Spring* primary, the Secretary of the Commonwealth shall send to the county commissioners in each county a written notice, setting forth the number of Congressmen and officers of the Commonwealth, not nominated by State conventions, to be elected or voted for therein at the next succeeding general election.

On or before the same date the chairman of the State committee of each party shall send to the county commissioners a written notice, setting forth the number of delegates to be elected in such county to the State and National convention of such party.

On or before *the ninth Saturday preceding each primary*, the chairman of the county committee of each party shall send to the county commissioners of such county a written notice, setting forth the names of all party offices to be filled by election at the ensuing primary.

Upon receipt of such notices, and beginning within one week thereafter, such county commissioners shall publish the number of delegates to be elected to the State and National conventions of each party, together with the names of all offices for which nominations are to be made or candidates for the party offices to be elected, within the county, at the ensuing primary, at least once each week for three successive weeks, in two newspapers of general circulation published within the county, wherever such course is possible. Such newspapers, so far as practicable, shall be representative of different political parties," be amended to read as follows:

SECTION 3. On or before the ninth Saturday preceding the primary, the Secretary of the Commonwealth shall send to the county commissioners in each county a written notice, setting forth the number of Congressmen and officers of the Commonwealth, not nominated by State conventions, to be elected or voted for therein at the next succeeding general election.

On or before the same date the chairman of the State committee of each party shall send to the county commissioners a written notice, setting forth the number of delegates to be elected in such county to the State and National convention of such party.

On or before the *same date* the chairman of the county committee of each party shall send to the county commissioners of such county a written notice, setting forth the names of all party offices to be filled by election at the ensuing primary.

Upon receipt of such notices, and beginning within one week thereafter, such county commissioners shall publish the number of delegates to be elected to the State and National conventions of each party, together with the names of all offices for which nominations are to be made or candidates for the party offices to be elected, within the county, at the ensuing primary, at least once each week for three successive weeks, in two newspapers of general circulation published within the county, wherever such course is possible. Such newspapers, so far as practicable, shall be representative of different political parties.

SECTION 3. That section five of said act which reads as follows:

“SECTION 5. The names of candidates shall be printed upon the official ballot of a designated party, upon the filing of petitions, signed by qualified electors of the political district division within which the nomination or election is to be made, setting forth that the signers thereof are members of the party designated.

The said petitions, in the case of candidates for Congress or for State offices, shall be filed, at least four weeks prior to the primary, with the Secretary of the Commonwealth; and in all other cases shall be filed, at least three weeks prior to the primary, with the county commissioners of the respective counties.

The number of signers shall be as follows:

1. Candidates for nomination for members of Congress, Judges of the various courts, and State Senator, two hundred qualified electors.

2. Candidates for nomination for members of the State House of Representatives, and for offices to be voted for by the entire county, fifty qualified electors.

3. Candidates for nomination for all other offices, for delegates to State and National conventions, and for party offices, ten qualified electors,” be amended to read as follows:

“SECTION 5. The names of candidates shall be printed upon the official ballot of a designated party upon the filing of petitions signed by qualified electors of the political district or division within which the nomination or election is to be made, setting forth that the signers thereof are members of the party designated *and accompanied by the signed consent of the candidate, duly acknowledged in the manner provided for the acknowledgment of deeds: Provided, that after a petition has been filed to place the name of a candidate upon the ballot of any party, no petition shall be filed to place his name upon the ballot of any other party, unless he shall first withdraw as a candidate of such first party, or unless such petition shall be accompanied by the written consent of every party whose nomination he seeks, signified by the certificate of the chairmen of the respective party committees for the political district for which such nomination is to be made, that such committee consents thereto.*

The said petition in the case of candidates for Congress, or for State offices, shall be filed at least four weeks prior to the primary with the Secretary of the Commonwealth, and in all other cases shall be filed at least three weeks prior to the primary with the county commissioners of the respective counties.

The number of signers shall be as follows:

1. Candidates for nomination for members of Congress, Judges of the various courts and State Senators, two hundred qualified electors.

2. Candidates for nomination for members of the State House of Representatives and for offices to be voted for by the entire county, fifty qualified electors.

3. Candidates for nomination for all other offices, for delegates to conventions and for party offices, ten qualified electors.

Any person for whom a petition has been filed as afore-said may at any time up to ten days before the primary withdraw his name with the same effect as if such petition had never been filed, by filing in the office in which such peti-

tion was filed his written withdrawal, duly acknowledged in the manner provided for the acknowledgment of deeds.

SECTION 4. That section eleven of said act which reads as follows:

“SECTION 11. The ballot-boxes, lists of voters (a copy of which shall be posted outside of the polling-place), and other records shall be delivered into the custody of the officers who now are, or hereafter may be, required by law to keep similar records of election.

Upon the closing of the polls at such primary election, the election officers shall forthwith proceed to open the ballot-boxes and take therefrom the ballots, and first count the number cast for each party, and make a record thereof; and then count the vote cast for the different persons named upon said party ballots; and, when said count is finally completed, they shall certify, in due and proper form, to the number of votes cast for each person upon the respective party tickets. They shall then replace the ballots, counted and canvassed, in the boxes, and lock the same. They shall then place the returns of votes and the register of voters, aforesaid, for each party, in separate envelopes, and seal the same; which said envelopes shall, on or before noon of the Tuesday following, be deposited by the judge of election in person, or by registered mail, with the county commissioners, who shall on the succeeding day, at noon, publicly commence the computation and canvassing of the returns, and continue the same from day to day until completed; and for that purpose to have the right to petition the court of common pleas for the use of its processes to enforce the provisions of this act in relation to the returns of the election officers.

Upon petition of ten qualified electors, of any county, setting forth that fraud has been committed in any election district of said county, together with a statement of the reasons why such an assertion is made, it shall be the duty of the county commissioners to open the ballot-box of the said district and to recount the votes. Any person aggrieved

by any decision of the county commissioners relative to the counting of the votes may appeal therefrom to the court of common pleas of the proper county, whose duty it shall be to hear said appeal, and to make such decree as right and justice shall require: Provided, however, That in case of a contest of delegates to a State convention, such contests shall be determined by the State convention, according to the rules of their respective parties. Contests of primaries shall be originated and conducted as in the case of elections.

The county commissioners shall make the proper certification of returns of votes cast for the candidates for nomination for members of Congress or for State offices to the Secretary of the Commonwealth, who shall tabulate the same, and shall certify to the county commissioners the result of the computation of the vote for such offices, at least *forty days* prior to the election," be amended to read as follows:

SECTION II. The ballot-boxes, lists of voters (a copy of which shall be posted outside of the polling-place), and other records shall be delivered into the custody of the officers who now are, or hereafter may be, required by law to keep similar records of election.

Upon the closing of the polls at such primary election, the election officers shall forthwith proceed to open the ballot-boxes and take therefrom the ballots, and first count the number cast for each party, and make a record thereof; and then count the vote cast for the different persons named upon said party ballots; and, when said count is finally completed, they shall certify, in due and proper form, to the number of votes cast for each person upon the respective party tickets. They shall then replace the ballots, counted and canvassed, in the boxes, and lock the same. They shall then place the returns of votes and the register of voters, aforesaid, for each party, in separate envelopes, and seal the same; which said envelopes shall, on or before noon of the Tuesday following, be deposited by the judge of election in person, or by registered mail, with the county commis-

sioners, who shall on the succeeding day, at noon, publicly commence the computation and canvassing of the returns, and continue the same from day to day until completed; and for that purpose to have the right to petition the court of common pleas for the use of its processes to enforce the provisions of this act in relation to the returns of the election officers.

Upon the sworn petition of ten qualified electors of any county setting forth any specific act of fraud which upon information they consider reliable they believe has been committed in any election district of said county, the court of common pleas of said county shall order the county commissioners to open the ballot-box of such district and recount the votes, such recount to be conducted in such manner and under such conditions as the court shall prescribe. Any person aggrieved by any decision of the county commissioners relative to the counting of the votes may appeal therefrom to the court of common pleas of the proper county, whose duty it shall be to hear said appeal, and to make such decree as right and justice shall require: Provided, however, That in case of a contest of delegates to a State convention, such contests shall be determined by the State convention, according to the rules of their respective parties. Contests of primaries shall be originated and conducted as in the case of elections.

The county commissioners shall make the proper certification of returns of votes cast for the candidates for nomination for members of Congress or for State offices to the Secretary of the Commonwealth, who shall tabulate the same, and shall certify to the county commissioners the result of the computation of the vote for such offices, at least *fourteen* days prior to the election.

APPENDIX I

SEPARATE PARTY PRIMARIES

Amendment to Act of 1906, P. L. 36, and Act of 1907, P. L. 199.

Commission's Codification, Sections 78 to 115.

Purpose of Amendments: (1) To allow parties to hold their primaries on different dates. (2) To leave to the party to determine whether it shall nominate directly or indirectly. (3) To permit each party to select its own officers for the conduct of its primary, and to determine the qualifications of its members. (4) To place the cost of the primaries upon the parties.

AN ACT

To amend an act entitled "An Act providing a uniform method of electing certain party officers and delegates to State and National conventions and of making nominations for certain public offices; providing for the payment of the expenses of the same; making certain violations thereof misdemeanors, and prescribing penalties for the violation of its provisions," approved the seventeenth day of February, Anno Domini one thousand nine hundred and six, by providing for separate primaries for each party, conducted by officers selected by the party; permitting parties to determine what candidates they shall nominate thereat; defining the method of ascertaining the vote cast by a party for the purpose of determining its right to nominate by primary; requiring certain expenses incident thereto to be paid by the several parties; providing that the signed consent of the candidate shall accompany every petition to place his name upon a primary ballot; providing that no candidate's name shall be printed upon the ballot of more than one party except with the consent of every such party; providing for the withdrawal of candidates, and requiring the Courts of Common Pleas to direct the County Commissioners to open the ballot boxes and recount the votes upon petition alleging specific fraud.

SECTION 1. Be it enacted, etc., that section two of an act entitled "An Act providing a uniform method of electing certain party officers and delegates to the State and National conventions and of making nominations for certain public offices; providing for the payment of the expenses of the same; making certain violations thereof misdemeanors and prescribing penalties for the violation of its provisions" approved the seventeenth day of February Anno Domini one thousand nine hundred and six (Pamphlet Laws, page 36) which reads as follows:—

"SECTION 2. *From and after November first, one thousand nine hundred and six, two primaries shall be held each year, in every election district of this Commonwealth in which nominations are to be made or delegates or party officers elected, as herein provided. One shall be held on the fourth Saturday before the February election, to be known as the Winter primary the other shall be held on the first Saturday of June,—except in years when a President of the United States is to be elected, in which it shall be held on the second Saturday of April,—to be known as the Spring primary.*

Delegates to State and National conventions, except delegates-at-large to National conventions, which shall be elected by the State convention, shall be elected at the Spring primary, throughout the Commonwealth, by any party or body of electors one of whose candidates, at either the general or February election preceding, polled two per centum of the largest entire vote cast in the State for any candidate at the last general election. Candidates for all offices to be filled at the general election, with the exception of those nominated by National or State conventions, shall be nominated at the Spring primary. Candidates for all offices to be filled at the February election shall be nominated at the Winter primary, and such party officers as are provided for by the rules of the several political parties to be elected by vote of the party electors, shall be elected at either or both primaries, by any political party or body of electors one of whose candidates, at either

the general or February elections preceeding such primary, polled two per centum of the largest entire vote cast, in the political district in which nominations are to be made or candidates elected, for any candidate at the last general election.

No delegates to State or National conventions, or officers of parties, shall be elected, or candidates for the public offices herein specified be nominated, in any other manner than as set forth in this act: Provided, that nothing herein contained shall prevent the nomination of candidates for borough or township offices, or other offices not herein specifically enumerated, in the manner provided by existing laws; or any association of electors, not constituting a party, from nominating candidates by nomination papers, as is provided by existing laws.

This act shall not apply to the nomination of candidates for Presidential electors, or to the nomination of candidates to be voted for at special elections to fill vacancies; but it shall not be construed to prevent the nomination of Presidential electors at primaries, if the rules of the respective parties so provide," be amended to read as follows:—

SECTION 2. *Nominations may be made by any political party which at the election next preceeding polled at least two per centum of the largest entire vote for any office cast in the state, or in the political district or division thereof for which said party desires to make nominations in such manner not inconsistent with the provisions of this Act as such party may determine. The vote polled by any party shall be the largest vote polled by any candidate of such party who was not the candidate of any other party, or in case of no such candidate, then the straight party vote.*

A primary is any election held by a political party, as aforesaid, either for the election of delegates, or the nomination of candidates by direct vote of the party electors. Every such primary shall be conducted in accordance with the provisions of this act, except primaries held for the nomination of candidates to be voted for at special elections to fill vacancies.

Primaries shall be held at such times not later than the fourth Saturday in September, in each year as the party shall elect, Provided, That all of the primaries of one party throughout the state shall be held on the same day.

SECTION 2. That section three of said act, which reads as follows:

“SECTION 3. *On or before the ninth Saturday preceding the Spring primary, the Secretary of the Commonwealth shall send to the county commissioners in each county a written notice, setting forth the number of Congressmen and officers of the Commonwealth, not nominated by State conventions, to be elected or voted for therein at the next succeeding general election.*

On or before the same date the chairman of the State committee of each party shall send to the county commissioners a written notice, setting forth the number of delegates to be elected in such county to the State and National convention of such party.

On or before the ninth Saturday preceding each primary, the chairman of the county committee of each party shall send to the county commissioners of such county a written notice, setting forth the names of all party offices to be filled by election at the ensuing primary.

Upon receipt of such notices, and beginning within one week thereafter, *such county commissioners shall publish the number of delegates to be elected to the State and National conventions of each party, together with the names of all offices for which nominations are to be made or candidates for the party offices to be elected, within the county, at the ensuing primary, at least once each week for three successive weeks, in two newspapers of general circulation published within the county, wherever such course is possible. Such newspapers, so far as practicable, shall be representative of different political parties”* be amended to read as follows:

SECTION 3. *Any party desiring to hold a primary in any county or division thereof shall, through the chairman of its county committee, on or before the ninth Saturday preceding the date of such primary, send written notice to the county commissioners of the date upon which it is proposed to hold such primary, together with a list of delegates and party officers to be elected and candidates to be nominated thereat.*

Upon receipt of such notices, and beginning within one week thereafter, *the county commissioners shall give notice of the date of such primary and of the delegates and party officers to be elected and candidates to be nominated thereat by publication at least once a week for three successive weeks in two newspapers of general circulation published within the county, whenever such course is possible.*

SECTION 3. That section five of said act which reads as follows:

“SECTION 5. The names of candidates shall be printed upon the official ballot of a designated party, upon the filing of petitions, signed by qualified electors of the political district division within which the nomination or election is to be made, setting forth that the signers thereof are members of the party designated.

The said petitions, in the case of candidates for Congress or for State offices, shall be filed, at least four weeks prior to the primary, with the Secretary of the Commonwealth; and in all other cases shall be filed, at least three weeks prior to the primary, with the county commissioners of the respective counties.

The number of signers shall be as follows:

1. Candidates for nomination for members of Congress, Judges of the various courts, and State Senator, two hundred qualified electors.

2. Candidates for nomination for members of the State House of Representatives, and for offices to be voted for by the entire county, fifty qualified electors.

3. Candidates for nomination for all other offices, for delegates to State and National conventions, and for party offices, ten qualified electors," be amended to read as follows :

SECTION 5. The names of candidates shall be printed upon the official ballot of a designated party upon the filing of petitions signed by qualified electors of the political district or division within which the nomination or election is to be made, setting forth that the signers thereof are members of the party designated *and accompanied by the signed consent of the candidate duly acknowledged in the manner provided for the acknowledgment of deeds, Provided, That after a petition has been filed to place the name of a candidate upon the ballot of any party, no petition shall be filed to place his name upon the ballot of any other party, unless he shall first withdraw as a candidate of such first party, or unless such petition shall be accompanied by the written consent of every party whose nomination he seeks, signified by the certificate of the chairmen of the respective party committees for the political district for which such nomination is to be made, that such committee consents thereto.*

The said petitions in the case of candidates for Congress, or for State offices, shall be filed at least four weeks prior to the primary with the Secretary of the Commonwealth, and in all other cases shall be filed at least three weeks prior to the primary with the county commissioners of the respective counties.

The number of signers shall be as follows:—

1. *Candidates for nomination for offices to be filled by voters of the State at large, five hundred qualified electors.*

2. Candidates for nomination for members of Congress, Judges of the various courts and State Senators two hundred qualified electors.

3. Candidates for nomination for members of the State House of Representatives and for offices to be voted for by the entire county, fifty qualified electors.

4. Candidates for nomination for all other offices, for delegates to conventions and for party offices, ten qualified electors.

Any person for whom a petition has been filed as aforesaid may at any time up to ten days before the primary withdraw his name with the same effect as if such petition had never been filed, by filing in the office in which such petition was filed his written withdrawal duly acknowledged in the manner provided for the acknowledgment of deeds.

SECTION 4. That section seven of said act which reads as follows:

"SECTION 7. The county commissioners shall prepare, and furnish to the election officers for use at the primaries, as many official ballots of each party as are equal to double the total number of votes cast for any candidate of said party, within the election district, at the last general election: Provided, That the county commissioners shall furnish such additional number of ballots, in any election district, as may be requested in writing by the chairman of the county committee of any party; such requests must be filed with the county commissioners two weeks before the primary.

The county commissioners shall also furnish one-fourth as many specimen ballots as the whole number of official ballots, to be printed on colored paper, and to be of the same size and form as the official ballot, for the use of the electors at the polls.

The official ballots shall be bound, in books of one hundred each, in the same manner as ballots at elections; and shall be delivered to the officers of election in the same manner as ballots are or hereafter may be required by law to be delivered to officers of election, for use at elections.

The county commissioners shall prepare, and furnish to the election officers, at the primaries, such ballot-boxes, properly numbered for each election district, list of voters, forms, blanks, return sheets, blank books and other supplies as they are, or hereafter may be, required to furnish,

by law, to said officers for use at elections, and shall deliver them in the same manner as at elections. The said supplies shall have printed upon them appropriate instructions, and shall be in appropriate form for use at the primaries. They shall also provide for the opening of the polling places, for the compensation of the owners thereof, shall see that they are in proper order, and provided with voting-booths, as at elections," be amended to read as follows :

SECTION 7. The county commissioners shall prepare and furnish to the election officers, for use at the primaries, as many official ballots as are equal to double the total number of votes cast for any candidate *of the party holding the primary* within the election district at the last general election, Provided, That the county commissioners shall furnish such additional number of ballots in any election district as may be requested in writing by the chairman of the county committee of *such* party; such requests must be filed with the county commissioners two weeks before the primary.

The county commissioners shall also furnish one-fourth as many specimen ballots as the whole number of official ballots, to be printed on colored paper and to be of the same size and form as the official ballot, for the use of the electors at the polls.

The official ballots shall be bound in books of one hundred each in the same manner as ballots at elections, and shall be delivered to the officers of election in the same manner as ballots are, or hereafter may be required by law to be delivered to officers of election for use at elections.

The county commissioners shall prepare and furnish to the election officers at the primaries such ballot boxes, properly numbered for each election district, lists of voters, forms, blanks, return sheets, blank books and other supplies as they are or hereafter may be required to furnish by law to said officers for use at elections, and shall deliver them in the same manner as at elections. The said supplies shall have printed upon them appropriate instructions, and shall

be in appropriate form for use at the primaries. They shall also provide for the opening of the polling places, for the compensation of the owners thereof, and shall see that they are in proper order and provided with voting booths as at elections.

SECTION 5. That section eight of said act which reads as follows:

“SECTION 8. The primaries shall be conducted by the *regular election boards, duly elected under existing laws, who shall receive one-half the compensation for their services that they receive at elections. Inspectors of elections shall have the right to appoint clerks to assist them, as at elections, who shall receive one-half the compensation that clerks receive for such services at elections. Vacancies on election boards shall be filled in the manner now provided by law. Before entering upon their duties the election officers and clerks shall be sworn, as is now required by law.*

The polls shall be open between the hours of two post meridian and eight post meridian: *Provided, That all persons licensed to sell liquors, either at wholesale or retail, or as bottlers, shall be compelled to keep their places of business closed, on said days for holding said primary elections, only between the hours of one o'clock post meridian and nine o'clock post meridian.*

Primaries shall be conducted in conformity with the laws governing the conduct of general elections, in so far as the same are not modified by the provisions of this act or are not inconsistent with its terms: But, provided, That no elector shall be permitted to receive any assistance in marking his ballot, unless he shall first make an affidavit that he cannot read the names on the ballot, or that by reason of physical disability he is unable to mark his ballot,” be amended to read as follows:

SECTION 8. *Primaries shall be conducted by election officers appointed or elected by the party holding the primary, in the manner provided by the rules of such party.*

Before entering upon their duties such officers shall be sworn in the manner now required by law in the case of election officers at elections.

The polls shall be open between the hours of two P. M. and eight P. M.

Primaries shall be conducted in conformity with the laws governing the conduct of general elections in so far as the same are not modified by the provisions of this act, or are not inconsistent with its terms, provided that no elector shall be permitted to receive any assistance in marking his ballot, unless he shall first make an affidavit that he cannot read the names on the ballot, or that by reason of physical disability he is unable to mark his ballot.

SECTION 6. That section nine of said act which reads as follows:

“SECTION 9. The county commissioners shall keep an accurate account of the entire expense of holding such primaries, including the preparation and delivery of supplies, voting materials, et cetera, and the total amount shall be paid, in the first instance, by the county treasurer, upon the order of the county commissioners. *As soon as convenient thereafter, the county commissioners shall prepare an itemized statement of the amount so paid, verified by oath, and send the same, accompanied by the receipted vouchers, to the Auditor-General, who, if he finds the same correct, shall draw a warrant on the State Treasurer, for the proper county, for the amount so approved, which shall be paid by the State Treasurer out of the money in the State Treasury not otherwise appropriated,*” be amended to read as follows:

SECTION 9. *Upon receipt of notice from any party of its intention to hold a primary, the county commissioners shall furnish to the chairman of the county committee of such party an estimate of the approximate cost of conducting such primary, which sum shall be deposited by the party with the county commissioners not less than two weeks prior to the date of such primary.* The county commissioners shall keep an accurate account of the entire cost of holding

such primary, including the preparation and delivery of supplies, voting materials, etc., and the total amount shall be paid in the first instance by the county treasurer, upon the order of the county commissioners. *Within one week after the primary, the county commissioners shall prepare and send to the chairman of the county committee an itemized statement of the cost of conducting the primary, verified by oath and accompanied by the receipted vouchers. If the amount deposited by the party shall exceed such cost, the county commissioners shall send with such statement a warrant upon the county treasurer for such excess, and if the cost shall exceed the amount of the deposit, the party shall pay such difference to the county commissioners. If any party shall fail to make such payment at least two weeks prior to the date of election, the county commissioners shall not print the names of the candidates of such party upon the ballot.*

SECTION 7. That section ten of said act which reads as follows:

"SECTION 10. The qualifications of electors entitled to vote at a primary shall be the same as the qualifications of electors entitled to vote at elections, within the election district where the primary is held. Each elector shall prove his qualifications and his identity in the same manner in which electors in the election district in which he offers to vote are, or hereafter may be, required by law to prove their qualifications or identity, on election day.

Each elector shall have the right to receive the ballot of the party for which he asks: Provided, That if he is challenged, he shall be required to make oath or affirmation that, at the next preceding general election at which he voted, he voted for a majority of the candidates of the party for whose ballot he asks.

Upon executing such affidavit the voter shall be entitled to receive the ballot for which he has called, and to cast his vote according to law," be amended to read as follows:

SECTION 10. *The qualifications of electors at primaries shall be determined by the rules of the party holding the primary, and it shall be the duty of the chairman of the county committee of such party to furnish to the election officers before the opening of the polls a copy of the party rules, containing the qualifications of voters at primaries: Provided, That no person may vote at the primary of more than one party in the same year.*

SECTION 8. That section eleven of said act which reads as follows:

“SECTION 11. The ballot-boxes, lists of voters (a copy of which shall be posted outside of the polling place), and other records shall be delivered into the custody of the officers who now are, or hereafter may be, required by law to keep similar records of election.

Upon the closing of the polls at such primary election, the election officers shall forthwith proceed to open the ballot-boxes and take therefrom the ballots, *and first count the number cast for each party, and make a record thereof;* and then count the vote cast for the different persons named upon said *party* ballots; and, when said count is finally completed, they shall certify, in due and proper form, to the number of votes cast for each person *upon the respective party tickets.* They shall then replace the ballots, counted and canvassed, in the boxes, and lock the same. They shall then place the returns of votes *and the register of voters, aforesaid, for each party,* in separate envelopes, and seal the same; which said envelopes shall, on or before noon of the *Tuesday* following, be deposited by the judge of election in person, or by registered mail, with the county commissioners, who shall on the succeeding day, at noon, publicly commence the computation and canvassing of the returns, and continue the same from day to day until completed; and for that purpose to have the right to petition the court of common pleas for the use of its processes to enforce the provisions of this act in relation to the returns of the election officers.

Upon petition of ten qualified electors, of any county, setting forth that fraud has been committed in any election district of said county, together with a statement of the reasons why such an assertion is made, it shall be the duty of the county commissioners to open the ballot-box of the said district and to recount the votes. Any person aggrieved by any decision of the county commissioners relative to the counting of the votes may appeal therefrom to the court of common pleas of the proper county, whose duty it shall be to hear said appeal, and to make such decree as right and justice shall require: Provided, however, That in case of a contest of delegates to a *State* convention, such contests shall be determined *by the State convention*, according to the rules of their respective parties. Contests of primaries shall be originated and conducted as in the case of elections.

The county commissioners shall make the proper certification of returns of votes cast for the candidates for nomination for members of Congress or for State offices to the Secretary of the Commonwealth, who shall tabulate the same, and shall certify to the county commissioners the result of the computation of the vote for such offices, at least *forty* days prior to the election," be amended to read as follows:

SECTION II. The ballot-boxes, lists of voters (a copy of which shall be posted outside of the polling place), and other records shall be delivered into the custody of the officers who now are, or hereafter may be required by law to keep similar records of election.

Upon the closing of the polls at such primary election, the election officers shall forthwith proceed to open the ballot-boxes and take therefrom the ballots and then count the vote cast for the different persons named upon said ballots, and when said count is finally completed, they shall certify in due and proper form to the number of votes cast for each person. They shall then replace the ballots counted and canvassed in the boxes and lock the same. They shall then place the returns of votes afore-

said in an envelope and seal the same, which said envelope shall, on or before noon of the *day* following be deposited by the judge of election in person, or by registered mail, with the county commissioners, who shall on the succeeding day, at noon, publicly commence the computation and canvassing of the returns, and continue the same from day to day until completed, and for that purpose shall have the right to petition the court of common pleas for the use of its processes to enforce the provisions of this act in relation to the returns of the election officers.

Upon the sworn petition of ten electors of any county setting forth any specific act of fraud which upon information which they consider reliable they believe has been committed in any election district of said county the court of common pleas of said county shall order the county commissioners to open the ballot-box of such district and recount the votes, such recount to be conducted in such manner and under such conditions as the court shall prescribe. Any person aggrieved by any decision of the county commissioners relative to the counting of the votes, may appeal therefrom to the court of common pleas of the proper county, whose duty it shall be to hear such appeal and make such decree as right and justice shall require; Provided, however, That in case of a contest of delegates to a convention, such contest shall be determined according to the rules of the party. Contests of primaries shall be originated and conducted as in the case of elections.

The county commissioners shall make the proper certification of returns of votes cast for the candidates for nomination for members of Congress, or for State offices to the Secretary of the Commonwealth, who shall tabulate the same, and shall certify to the county commissioners the result of the computation of the vote for such offices at least *fourteen* days prior to the election.

SECTION 9. That section twelve of said act as amended by section one of an act approved the twenty-second day of May, Anno Domini one thousand nine hun-

dred and seven (Pamphlet Laws, page 199), which reads as follows :

“SECTION 12. *Candidates for offices of the Commonwealth, to be voted for by electors of the State-at-large, shall be nominated by the State conventions, for which delegates are elected in accordance with the terms of this act. The delegates who receive a plurality of the vote of party electors at the Spring primary shall be the duly elected delegates to the respective State and National conventions.*

Candidates for nomination, as *provided herein*, who receive a plurality of votes of any party at a primary meeting, shall be the candidates of that party, and it shall be the duty of the proper officers to print their names upon the official ballots, for use at the election, as is now or hereafter may be required by law.

Candidates for party offices, who receive a plurality of the votes cast for such candidates, shall be the party officers of such party.

In case of a tie, the candidates receiving the tie vote shall cast lots before the county commissioners or the Secretary of the Commonwealth, as the case may be, and the one to whom the lot shall fall shall be entitled to the nomination or election.

Vacancies happening or existing after the date of the primary may be filled in accordance with the party rules, as is now or hereafter may be provided by law,” be amended to read as follows :

SECTION 12. Candidates for nomination who receive a plurality of votes of any party at a primary shall be the candidates of that party, and it shall be the duty of the proper officers to print their names upon the official ballots for use at the election as is now, or hereafter may be required by law. *Nominations made otherwise than by primary shall be certified in the manner now provided by law.*

Candidates for delegates who receive a plurality of the votes cast for such delegates shall be the duly elected delegates of such party.

Candidates for party offices who receive a plurality of the votes cast for such candidates shall be the party officers of such party.

In case of a tie, the candidates receiving the tie vote shall cast lots before the county commissioners or the Secretary of the Commonwealth, as the case may be, and the one to whom the lot shall fall shall be entitled to the nomination or election.

Vacancies happening or existing after the date of the primary may be filled in accordance with the party rules as is now, or hereafter may be provided by law.

SECTION 10. That section thirteen of said act which reads as follows:

“SECTION 13. Each candidate shall be entitled to have two watchers at the primaries, as at elections, only one of whom shall be entitled to be within the polling-room at one time. Their rights, duties and methods of appointment shall be as at elections. Each *party or* candidate may, at any time before the primary, present a petition to the court of common pleas of the proper county, setting forth the fact that it or he has reason to believe that in a certain district or districts fraud or unfair methods may be attempted; and if, upon a consideration of the facts presented in said petition, the court shall be of the opinion that said application is made in good faith, the said court shall appoint an overseer for said petitioner or petitioners, who shall be entitled to remain within the polling-place during the casting and the counting of the ballots,” be amended to read as follows:

SECTION 13. Each candidate shall be entitled to have two watchers at the primaries as at elections, only one of whom shall be entitled to be within the polling room at one time. Their rights, duties and methods of appointment shall be as at elections. Each candidate may at any time before the primary present a petition to the court of common pleas for the proper county, setting forth the fact that he has reason to believe that in a certain district or districts fraud or unfair methods may be attempted, and if upon a

consideration of the facts presented in said petition the court shall be of the opinion that said application is made in good faith, the court shall appoint an overseer for said petitioner or petitioners, who shall be entitled to remain within the polling place during the casting and counting of the ballots.

SECTION 11. That section fourteen of said act which reads as follows :

“SECTION 14. Any person who votes or attempts to vote at a primary, knowing that he does not possess the qualifications of a voter at such primary, *as indicated by this act*, or who shall vote or attempt to vote *more than once at a* primary, or who shall have unlawfully in his possession an official ballot, outside the polling-place, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars or to undergo an imprisonment not exceeding two years, or both, in the discretion of the court. No police officer in commission, whether in uniform or in citizen's clothes, shall be within one hundred feet of a polling place during the conduct of a primary election, unless in the exercise of his privilege of voting, or for the purpose of the serving of warrants or the preserving of the peace.

Any election officer who permits a person to vote at any primary, with the knowledge that such person is not so entitled to vote, or refuses to permit any lawfully entitled elector to vote at such primary, with the knowledge that such person is so entitled to vote, or who refuses to permit him to receive the party ballot for which he asks, after having executed the affidavit herein provided, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars or to undergo an imprisonment not exceeding five years, or both, in the discretion of the court.

Any election officer or clerk who shall be guilty of any wilful fraud in the conduct of his duties at a primary, or who shall make a false return of the votes cast at such pri-

mary, or who shall deposit fraudulent ballots in the ballot-box, or who shall certify as correct a return of ballots in the ballot-box which he knows to have been fraudulently deposited therein, or who shall write false names in the lists of voters for the purpose of concealing the deposit of such fraudulent ballots or of aiding in the perpetration of such fraud, or who shall conspire with others to commit any of the offenses herein mentioned, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars or to undergo imprisonment not exceeding five years, or both, in the discretion of the court.

Except as modified by the terms of this act, election officers shall be subject to the same pains and penalties for violations or neglect of their duties at a primary as they are or hereafter may be subject to for violation or neglect of such duties at elections. In all other respects, officers officiating at primaries shall be subject to the pains and penalties provided by law for offenses committed at primaries. The existing laws relating to bribery at primaries shall continue in force, and shall apply to bribery at primaries as provided by this act," be amended to read as follows :

SECTION 14. Any person who votes, or attempts to vote at a primary, knowing that he does not possess the qualifications of a voter at such primary, *as determined by the party rules*, or who shall vote, or attempt to vote at *the primary of more than one party in the same year*, or who shall have unlawfully in his possession an official ballot outside the polling place, shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars, or to undergo an imprisonment not exceeding two years, or both, in the discretion of the court. No police officer in commission, whether in uniform or in citizen's clothes shall be within one hundred feet of a polling place during the conduct of a primary election, unless in the exercise of his privilege of voting, or for the purpose of the serving of warrants, or the preserving of the peace.

Any election officer who permits a person to vote at any primary, with the knowledge that such person is not so entitled to vote, or refuses to permit any lawfully entitled elector to vote at such primary, with the knowledge that such person is so entitled to vote, shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars, or to undergo an imprisonment not exceeding five years, or both, in the discretion of the court.

Any election officer or clerk who shall be guilty of any wilful fraud in the conduct of his duties at a primary, or who shall make a false return of the votes cast at such primary, or who shall deposit fraudulent ballots in the ballot box, or who shall certify as correct a return of ballots in the ballot box which he knows to have been fraudulently deposited therein, or who shall write false names on the lists of voters, for the purpose of concealing the deposit of such fraudulent ballots, or of aiding in the perpetration of such fraud, or who shall conspire with others to commit any of the offences herein mentioned, shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars, or to undergo an imprisonment not exceeding five years, or both, in the discretion of the court.

Except as modified by the terms of this act, the election officers shall be subject to the same pains and penalties for violation or neglect of their duties at a primary, as they are, or hereafter may be subject to for violation or neglect of such duties at elections. In all other respects, officers officiating at primaries shall be subject to the pains and penalties provided by law for offences committed at primaries. The existing laws relating to bribery at primaries shall continue in force, and shall apply to bribery at primaries as provided by this act.

2d Report

To the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly:

The Commission to Codify and Revise the Election Laws of Pennsylvania, appointed by the Governor of the Commonwealth in pursuance of a joint resolution approved the thirteenth day of May, A. D. 1909, herewith presents this additional report:

In its first report the Commission presented a code of the existing laws and on the question of revision dealt with the subjects of Registration and Methods of Nomination. The present report deals with the remaining subjects which have been considered in connection with the question of revision.

The most important of these subjects are the form of ballot and the conduct of elections.

In common with all of the States, Pennsylvania originally had a system by which the Commonwealth neither printed the ballot nor dictated its form, or the method of its distribution. The ballots were printed and distributed by the candidates or parties. Owing to various abuses of this system, such as the use of trick ballots, misrepresentation as to the contents of the ballot, the placing of additional or substituted ballots in the ballot box, etc., most of the States have in the course of the last twenty years substituted for the separate party ballots a single official ballot printed by the State, containing the names of all candidates and distributed only at the polls. The fact that this system has been gradually extended throughout the United States, until now it is in use in forty-one States, is the best evidence that it is an improvement on the former system. Sub-

stantially three forms of this single official ballot are in use, viz.: First, What is known as the Australian ballot without modification. This ballot contains the names of the candidates for each office printed in alphabetical order under the name of the office, with a place for a mark opposite the name of each candidate voted for. Second, The Party Column ballot, in which there is a separate column for the candidates of each party, and usually, but not always, at the head of each column a party emblem or motto and a circle or square, in which one mark may be made to register a vote for all the party candidates. Third, The Party Square or Party Circle ballot, which, for convenience, will hereafter be called the Party Square ballot, and which consists of the Australian ballot, with the addition of a square or circle for each party, so that a voter desiring to vote for all the candidates of one party can register his vote by a single mark in the party square without placing a mark opposite to the name of each candidate. The legislation with regard to these forms has been largely experimental. Sixteen States which originally adopted the Australian ballot subsequently changed to the Party Column ballot. Two States which adopted the Party Column ballot subsequently changed to the Australian ballot. Two States which adopted the Party Column ballot subsequently changed to the Party Square ballot. Five States which originally adopted the Party Square ballot subsequently changed to the Party Column ballot, and one State which originally adopted the Party Square ballot subsequently changed to the Australian ballot. Pennsylvania originally adopted the Party Column ballot, but subsequently changed to the Party Square ballot, which it now uses. Nine States now have the Australian ballot, twenty-nine States have the Party Column ballot and

three States the Party Square ballot. Of the three forms the Party Column ballot seems to have made the nearest approach to a constant increase in popularity, but there have been so many changes that not much in the way of inference can be drawn from them.

The suggestions which have been made to the Commission which deserve most serious consideration were substantially four, viz. :

First.—To abolish the party square and thus change the ballot to the Australian ballot.

Second.—To retain the party square, but in some way to simplify or shorten the ballot.

Third.—To make the assistance clause in the present law conform to the assistance clause in the uniform primary law.

Fourth.—To return to what was popularly known as the Vest Pocket System, by which the voter could mark his ballot at home and bring it with him to the polls.

With regard to the elimination of the party square, it was urged in support of such a change that the party square discouraged independent voting by making it easier to vote a straight ticket than a split ticket, and by making it possible for the election officers or watchers to determine the character of the vote by the length of time the voter remained in the booth. On the other hand, it was urged that the very large number of voters who desired to vote a straight party ticket ought not to be put to the trouble, delay and risk of mistake incident to marking each name voted for in a ticket containing very many names. There is no doubt that the active party workers desire the reten-

tion of the party square. It facilitates the taking and counting of the vote and avoids loss of votes through mistakes in marking the ballot. On the other hand, there are many citizens who believe that independence in voting may be stimulated and protected by compelling each voter to record his vote as to each candidate, and who, therefore, earnestly advocate the elimination of the party square. So far as the Commission could judge from the public discussions there is no very general demand by the great mass of ordinarily intelligent voters for the abolition of the party square, but on the contrary, the majority of voters probably prefer to have it retained as a matter of convenience. The solution of the question depends upon a balancing of advantages and disadvantages, and these in turn depend somewhat upon the particular community in which the ballot is used and the length of the ballot itself.

If the experiment known as the short ballot now being tried in some municipalities of the United States proves successful, it is quite possible that the Australian ballot, without any party square, will prove to be the most desirable form to be used in connection with the system. In Pennsylvania, however, the voters recently rejected a proposed constitutional amendment which would allow the appointment, instead of the election, of election boards, and the popular feeling seems to be in favor of elections to office rather than of appointments. Owing to the number of offices to be filled, ballots now in use are often of great size and not very easy to mark. After considering all the reasons urged for and against the abolition of the party square, the Commission was not satisfied either that the public desired its elimination from the ballot, or that it would be desirable to so eliminate it.

The second suggestion, viz., that the present form of ballot should be simplified so as to facilitate its use by the voter and lessen the liability to mistake, was one that was urged upon the Commission by citizens of all classes. It is not easy, however, to simplify the single official sheet ballot, since it is not possible at present to reduce the number of candidates to be voted for. In one way, however, it was found possible to shorten and simplify it. The present law requires that where a candidate is nominated by more than one party a square shall be placed opposite his name for each party of which he is the candidate. This requirement increases very materially the size and complexity of the ballot. The Commission has drafted a bill which is annexed, which provides for but one square opposite each candidate's name. (See Appendix A.)

As this renders it impossible to apportion the vote cast for the candidate between the respective parties nominating him, a slight change was necessary in the method of determining the standing of a party in future elections, and this change is accomplished by another bill, also annexed. (See Appendix B.)

The third suggestion made to the Commission was to change the assistance clause in the present law so as to make it conform to the assistance clause in the uniform primary law.

The present law allows any voter to have the assistance of any qualified voter of the district selected by him upon his mere declaration that by reason of any disability he desires assistance. It was claimed before the Commission that this right, which was intended to prevent the loss of a vote by reason of some actual disability of the voter to mark his ballot without assistance, has been abused, and

it is manifest that it is capable of abuse. The Uniform Primary Act, which was of later date, wisely restricted the right of assistance at the primaries to cases in which the voter makes an affidavit that he cannot read the names on the ballot or that by reason of physical disability he is unable to mark the ballot. The Commission recommends that if the present system of requiring the voter to mark his ballot in the booth is retained, the assistance clause shall be amended so as to conform to the requirements in the Uniform Primary Act. This suggestion has been embodied in the bill already referred to.

The suggestion that the Commission should recommend such a change in the present system that the voter could make up his ballot at his home and bring it with him to the polls is one which merits the most careful consideration. Before the adoption of the single sheet official ballot the various parties or candidates printed and distributed the ballots in advance of the election, and it was possible for a voter by means of stickers or otherwise to make up a mixed ballot in the secrecy of his home and take it with him to the polls. This system had the advantage that the voter could make up his ballot under conditions much more conducive to care and accuracy than those under which he must now mark his ballot in the booth. The Commission has been urged by many citizens to recommend some change which would restore to the voter this opportunity to carefully and deliberately make up his ballot.

The Commission has reached the conclusion that this can be accomplished without any return to the old system of unofficial party ballots. It is possible to use the official sheet ballot in its present form and allow the parties or

candidates to obtain and distribute ballots in advance of election.

The voter will then have his choice to either obtain and mark his ballot at the polls or to obtain his ballot in advance and mark it at his own home. To keep check on the voting of these ballots each voter receives at the polls an official envelope, in which he encloses his ballot and which, after sealing, he deposits in the ballot box. All unused envelopes must be accounted for in the same way as unused ballots now have to be accounted for. This system has the advantage of doing away with all need of assistance at the polls, since the voter, if he desires, can obtain all the assistance he needs at home.

The Commission has drafted a bill embodying the features of this system and presents it as an alternative to the bill already referred to, which merely simplifies the present ballot and provides a more efficient assistance clause. (See Appendix C.)

So far as the Commission is able to judge, there is considerable difference of opinion as to whether a system which allows the voter to procure and mark his ballot in advance of entering the booth would increase or diminish independence in voting. Such a system would enable the citizen to mark his ballot more deliberately and accurately than at present. On the other hand, it would enable the party workers to prepare ballots for the voters, who through indifference or influence were willing to vote without any independent judgment. It may be doubted whether any system will induce the timid or indifferent or corrupt voter to exercise any independent judgment in voting, or will prevent the man of independent will from exercising his judgment; and the question is really one of practical effi-

ciency in registering the will of the voter with the least opportunity for fraud or mistake. In view of the divergent views expressed by citizens on the subject the Commission has followed the same practice as was adopted in reference to the laws regulating nominations and has presented the two alternative bills already referred to.

To briefly recapitulate the conclusions of the Commission on this subject, it recommends:

1st. The retention of the single official sheet ballot without the party column but with the party square.

2d. The simplification of this ballot by providing that opposite the name of each candidate there shall be but one square.

3d. It submits two alternative changes as to the method of preparing and casting the ballot, viz., one which changes the present method by limiting the right to assistance to cases in which affidavit is made that the voter cannot read the ballot or is unable to mark it by reason of physical disability; the other which eliminates the assistance clause altogether and allows the ballots to be distributed in advance of the election and marked by the voter at his home.

The Commission found that the method prescribed by existing laws for the counting of the vote required so much labor and consumed so much time that it was in practice never followed by the election officers. It required that the ballots should be counted one by one and the names read aloud and entered as read on the tally sheets. In point of fact, it has been found almost impossible to carry out this system and the general practice is to take out all the ballots, separate the straight party ballots from the others,

record the straight party ballots and then read off and check the others. The Commission believes that there is no practical objection to the system actually pursued, and that it is better to legalize this practice rather than to keep in the law requirements which cannot be carried out without unduly prolonging the count and increasing from the fatigue of the officers the liability to mistake. Provisions accomplishing this result are embodied in both of the bills already referred to.

These bills also contain a provision intended to avoid the necessity of totally rejecting the ballot of a voter who has marked in the party square and also opposite the names of individual candidates.

The Commission found that there was some difference of opinion as to the power of the judges of the courts to open the ballot boxes upon the computation of the vote, and that there was some demand for such change in the law as would facilitate the opening of the ballot boxes in case fraud was suspected. As the ballots are not now numbered and there is nothing on them to indicate by whom they were voted, the opening of ballot boxes by the court does not in any way violate the secrecy of the ballot, and there is no reason why the court should not have power to direct the opening of the ballot boxes whenever it is necessary or desirable in computing the vote. Whether it is desirable to put it in the power of citizens to compel the opening of the ballot boxes on mere suspicion of fraud or mere general allegations of fraud is more doubtful. A recount of the vote by the opening of the ballot boxes involves much time and expense and should not be ordered except where there is substantial reason to believe that fraud has been committed to such an extent as to affect the result of the elec-

tion. The Commission has drafted a bill which it annexes hereto (see Appendix D), which provides:

1st. That the court may open ballot boxes if fraud or mistake is apparent on the return.

2d. That it may open ballot boxes upon the petition under oath of ten citizens stating specific acts of fraud.

3d. That two ballot boxes in each ward, township or borough containing more than two election districts shall be opened by lot upon request.

The opening of a certain number of ballot boxes by lot will, it is believed, serve two useful purposes. If no fraud or mistake is shown it will tend to allay any suspicion of fraud, and if serious mistake or fraud is shown, such fact will form a justification for further investigation.

The Commission has also drafted a bill making it obligatory on the county commissioners to apply to the court to change boundaries of election districts where the number of voters exceeds the constitutional limit. Also bills providing a more efficient system of changing the location of polling places and making more efficient regulations as to the physical construction of the polling room. (See Appendices E, F and G.)

In 1901 the Constitution of this Commonwealth was amended so as to allow the Legislature to provide for the use of voting machines. Such machines are now quite extensively used at different places in a large number of States, and in some cities such use has extended over a period of many years. A machine was set up and exhibited at the public hearings of the Commission and received much favorable comment. There are many advantages in the way of economy, accuracy and speed to be derived from

the use of voting machines, and it is possible that eventually they will be found to be the most efficient method of casting the vote.

It would be unwise to attempt to adopt them at once over an entire State, and in most States where they have been used, they have been adopted under laws allowing a city, county or election district the right to use them under certain conditions. The Commission has had under consideration a bill which would allow separate communities to adopt them. Without expressing any adverse opinion as to their efficiency the Commission has reached the conclusion that their use has not wholly passed out of the experimental stage and that it is wiser to defer for the present any legislation on the subject.

In closing its report the Commission desires to gratefully acknowledge the assistance which it has received from many citizens of the Commonwealth, who by printed or written communications or oral suggestions have greatly aided the Commission in ascertaining facts and in reaching conclusions. It has had the benefit of inspecting a number of bills prepared by public-spirited citizens on election subjects, either for presentation to the Legislature or as suggestions for the Commission. Among these may be mentioned a carefully prepared bill on the ballot by Hon. John H. Fow, a series of bills prepared by a committee of the William Penn Party in the Seventh Ward of Philadelphia, and some bills prepared by Charles C. Binney, Esq. Although the Commission has not recommended any of these bills as drafted, it has availed itself of valuable suggestions therefrom.

The Commission has also had the use of advance sheets of a valuable digest of the Ballot Laws of the Various

States, recently prepared by Arthur C. Ludington, Esq., of New York.

After the foregoing report was put in type, the General Assembly by Joint Resolution extended the term of the Commission beyond the present session, and this indicated a desire that the Commission should give further study and investigation to the subject. Inasmuch, however, as the report was already prepared and public discussion of the matters therein considered, and of the bills annexed thereto would doubtless be of aid to the Commission in its future work, it has been deemed wise to present it. The recommendations therein contained are under the circumstances necessarily subject to future addition or modification in subsequent reports.

FRANK P. PRICHARD

ERNEST L. TUSTIN

GEORGE M. DIMELING

WILLIAM C. FREEMAN

JOHN M. FLYNN

WILLIAM U. HENSEL

DAVID H. LANE

APPENDIX A

AN ACT

To amend an act entitled "An Act to regulate the nomination and election of public officers, requiring certain expenses incident thereto to be paid by the several counties, and punishing certain offenses in regard to such elections," approved the tenth day of June, one thousand eight hundred and ninety-three, by changing the form of ballot, the method of obtaining assistance and the method of counting the votes.

SECTION 1. *Be it enacted, etc.,* That section fourteen of an act entitled "An Act to regulate the nomination and election of public officers, requiring certain expenses incident thereto to be paid by the several counties; and punishing certain offenses in regard to such elections," approved the tenth day of June, one thousand eight hundred and ninety-three, as amended by section two of an act approved the twenty-ninth day of April, one thousand nine hundred and three, which reads as follows:

"SECTION 14. When Presidential electors are to be voted for, the names of candidates for Presidential electors shall be arranged in party groups, as presented in the several certificates of party nomination and nomination papers, and the groups shall be printed upon the ballot in order of the vote obtained in the State, at the last Presidential election, by the parties nominating, beginning with the party which obtained the highest vote: Provided, That in the case of political parties not represented on the ballot in the last Presidential election, the order of arrangement shall be alphabetically.

At the head of each group of candidates shall be printed the appropriate party name or political appellation, together with the surnames of the candidates of such party for President and Vice-President, underneath which shall

be printed the names of the appropriate candidates for Presidential electors.

At the right of the space containing the surnames of the candidates for President and Vice-President, and their party name or political appellation, there shall be a square, of sufficient size for the convenient insertion of a cross-mark (X), and at the right of the name of each candidate for Presidential elector, there shall be a similar, but smaller, square.

The names of candidates for all other offices shall, in all cases, be arranged under the title of the office for which they are candidates, and be printed in the order of the votes obtained for the head of the respective tickets of the parties or bodies nominating at the last Presidential election, beginning with the party obtaining the highest vote: Provided, That in the case of parties not represented on the ballot at the last Presidential election, the names of the nominees of such parties shall be arranged alphabetically, according to the party name or political appellation. At the right of the name of each nominee, or candidate, shall be printed the name or appellation of *the* political party presenting or nominating him, and at the right of such party *name*, or political *appellation*, there shall be a square of sufficient size for the convenient insertion of a cross-mark.

Whenever any candidate shall receive more than one nomination for the same office, his name shall be printed once, and the names of each political party, so nominating him, shall be printed to the right of the name of such candidate, arranged in the same order as candidates' names are grouped, that is to say, in the order of the votes obtained by such party at the last preceding Presidential election, beginning with the party obtaining the highest vote. If such candidate shall be nominated by any political party not represented on the ballot in the last Presidential election, the name of such party shall follow the other names, and be arranged alphabetically, according to the party name or appellation. At the right of every party name, or political

appellation, shall be a square, of sufficient size for the convenient insertion of a cross-mark.

There shall be left, at the end of the groups of candidates for Presidential electors, and of the list of candidates for each different office (or under the title of the office itself for which an election is to be held, in case there be no candidates legally nominated therefor), as many blank spaces as there are persons to be voted for, for such office, in which space the voter may insert the name of any person whose name is not printed on the ballot as a candidate for such office, and such insertion shall count as a vote, without the cross-mark as hereinafter mentioned.

Whenever the approval of a constitutional amendment, or other question, is submitted to the vote of the people, such question shall be printed upon the ballot in brief form, and followed by the words, "yes" and "no," and if such question be submitted at an election of public officers, it shall be printed after the list of candidates.

The ballots shall be so printed as to give to each voter a clear opportunity to designate his choice of candidates by a cross-mark (X), in a square of sufficient size at the right of the name of each candidate, and inside the line enclosing the column, and, in like manner, answers to questions submitted, by similar marks, in squares at the right of the words "yes" and "no," and on the ballot may be printed instructions how to mark, and such words as will aid the voter to do this, as "mark one," "mark two," and the like. Provided, That a voter may designate his choice of an entire group of candidates for Presidential electors by one cross-mark (X), in a large square, which shall be placed at the right of the names of the candidates for President and Vice-President, at the head of such group, and such mark shall be equivalent to a mark against every name in the group: Provided further, That each voter may have the opportunity of designating his choice for all the candidates, as nominated by one political party, there shall be printed on the extreme left of the ballot, and separated from the rest

of the ballot by a space of at least one-half inch, a list of the names of all the political parties or groups of nominees, represented on such ballot and presenting candidates to be voted for at such election. Such names shall be arranged in the order of the votes obtained, at the last Presidential election, by the candidate at the head of the respective tickets of the parties or bodies nominating, beginning with the party that received the highest vote cast. Following the names of such political parties, shall be the names of the parties or principles not presented on the ballot at the last Presidential election, arranged alphabetically, according to the party name or political appellation. A square, of sufficient size for the convenient insertion of a cross-mark, shall be placed at the right of each party name or appellation. Every mark within such square shall be equivalent to a mark against every name designated by that political appellation, or party name, including candidates nominated by more than one party, or group of citizens.

At the head of every ballot shall be printed the following instructions :

To vote a straight party ticket, mark a cross (X) in the square opposite the name of the party of your choice, in the first column. A cross-mark in the square opposite the name of any candidate, indicates a vote for that candidate," be amended so as to read as follows :

SECTION 14. When Presidential electors are to be voted for, the names of candidates for Presidential electors shall be arranged in party groups, as presented in the several certificates of party nomination and nomination papers, and the groups shall be printed upon the ballot in order of the vote obtained in the State, at the last Presidential election, by the parties nominating, beginning with the party which obtained the highest vote: Provided, That in the case of political parties not represented on the ballot in the last Presidential election, the order of arrangement shall be alphabetically.

At the head of each group of candidates shall be printed the appropriate party name or political appellation, together with the surnames of the candidates of such party for President and Vice-President, underneath which shall be printed the names of the appropriate candidates for Presidential electors.

At the right of the space containing the surnames of the candidates for President and Vice-President, and their party name or political appellation, there shall be a square of sufficient size for the convenient insertion of a cross-mark (X), and at the right of the name of each candidate for Presidential elector, there shall be a similar, but smaller, square.

The names of candidates for all other offices shall, in all cases, be arranged under the title of the office for which they are candidates, and be printed in the order of the votes obtained for the head of the respective tickets of the parties or bodies nominating at the last Presidential election, beginning with the party obtaining the highest vote: Provided, That in the case of parties not represented on the ballot at the last Presidential election, the name of the nominees of such parties shall be arranged alphabetically, according to the party name or political appellation. At the right of the name of each nominee, or candidate, *and on the same line*, shall be printed the initial letters of the name or appellation of *each* political party presenting or nominating him, *arranged in the above order*, and at the right of such party *names* or political *appellations* there shall be a *single* square of sufficient size for the convenient insertion of a cross-mark.

There shall be left, at the end of the groups of candidates for Presidential electors, and of the list of candidates for each different office (or under the title of the office itself for which an election is to be held, in case there be no candidates legally nominated therefor), as many blank spaces as there are persons to be voted for, for such office, in which space the voter may insert the name of any person whose

name is not printed on the ballot as a candidate for such office, and such insertion shall count as a vote, without the cross-mark as hereinafter mentioned.

Whenever the approval of a constitutional amendment, or other question, is submitted to the vote of the people, such question shall be printed upon the ballot in brief form, and followed by the words, "yes" and "no," and if such question be submitted at an election of public officers, it shall be printed after the list of candidates.

The ballots shall be so printed as to give to each voter a clear opportunity to designate his choice of candidates by a cross-mark (X), in a square of sufficient size at the right of the name of each candidate, and inside the line enclosing the column, and, in like manner, answers to questions submitted, by similar marks, in squares at the right of the words "yes" and "no," and on the ballot may be printed instructions how to mark, and such words as will aid the voter to do this, as "mark one," "mark two," and the like. Provided, That a voter may designate his choice of an entire group of candidates for Presidential electors by one cross-mark (X), in a large square, which shall be placed at the right of the names of the candidates for President and Vice-President, at the head of such group, and such mark shall be equivalent to a mark against every name in the group: Provided further, That each voter may have the opportunity of designating his choice for all the candidates, as nominated by one political party, there shall be printed on the extreme left of the ballot, and separated from the rest of the ballot by a space of at least one-half inch, a list of the names of all the political parties or groups of nominees, represented on such ballot and presenting candidates to be voted for at such election. Such names shall be arranged in the order of the votes obtained, at the last Presidential election, by the candidate at the head of the respective tickets of the parties or bodies nominating, beginning with the party that received the highest vote cast. Following the names of such political parties, shall be the names of the

parties or principles not represented on the ballot at the last Presidential election, arranged alphabetically, according to the party name or political appellation. A square, of sufficient size for the convenient insertion of a cross-mark, shall be placed at the right of each party name or appellation. Every mark within such square shall be equivalent to a mark against every name designated by that political appellation, or party name, including candidates nominated by more than one party, or group of citizens.

At the head of every ballot shall be printed the following instructions:

To vote a straight party ticket, mark a cross (X) in the square opposite the name of the party of your choice, in the first column. A cross-mark in the square opposite the name of any candidate, indicates a vote for that candidate.

SECTION 2. That section twenty-six of said act, which reads as follows:

"SECTION 26. If any voter declares to the judge of election that by reason of any disability he desires assistance in the preparation of his ballot, he shall be permitted by the judge of election to select a qualified voter of the election district to aid him in the preparation of his ballot, such preparation being made in the voting compartment," be amended so as to read as follows:

SECTION 26. *If any voter shall make an affidavit that he cannot read the names upon the ballot, or that by reason of physical disability he is unable to mark his ballot, he shall be permitted by the judge of election to select a qualified voter of the election district to aid him in the preparation of his ballot, such preparation being made in the voting compartment.*

SECTION 3. That section twenty-seven of said act as amended by section four of said act, approved April twenty-

ninth, one thousand nine hundred and three, which reads as follows :

“SECTION 27. If a voter has marked his ballot otherwise than as directed by this act, so that for any reason it is impossible to determine the voter's choice for any office to be filed, his ballot shall not be counted for such office; but the ballot shall be counted for all other offices for which the names of candidates have been properly marked.

No ballot without the official endorsement shall, except as herein otherwise provided, be allowed to be deposited in the ballot-box, and none but ballots provided in accordance with the provisions of this act shall be counted. Ballots not marked, or improperly or defectively marked, shall be endorsed as defective, but shall be preserved with the other ballots. If any ballot appears to have been obtained otherwise than as provided in this act, the judge of elections shall transmit such ballot to the district attorney, without delay, together with whatever information he may have tending to the detection of the person who deposited the same,” be amended so as to read as follows :

SECTION 27. If a voter has marked his ballot otherwise than as directed by this act, so that for any reason it is impossible to determine the voter's choice for any office to be filled, his ballot shall not be counted for such office; but the ballot shall be counted for all other offices for which the names of candidates have been properly marked; *Provided, That if a voter shall make a cross (X) in a party square, and also in the square opposite the name of any candidate or candidates for any office, or shall also write the names of any such candidate in the blank spaces provided for that purpose, his ballot shall be counted as a vote for such candidates for that office and as a straight party vote for all other offices.*

No ballot without the official endorsement shall, except as herein otherwise provided, be allowed to be deposited in

the ballot-box, and none but ballots provided in accordance with the provisions of this act shall be counted. Ballots not marked, or improperly or defectively marked, shall be endorsed as defective, but shall be preserved with the other ballots. If any ballot appears to have been obtained otherwise than as provided in this act, the judge of elections shall transmit such ballot to the district attorney, without delay, together with whatever information he may have tending to the detection of the person who deposited the same.

SECTION 4. That section twenty-eight of said act as amended by section five of said act, approved April twenty-ninth, one thousand nine hundred and three, which reads as follows :

“SECTION 28. After the polls are closed, the election officers only shall remain in the voting-room within the guard-rail, and shall there at once proceed to count the votes. Such counting shall not be adjourned or postponed until it shall have been fully completed. A record shall first be made of the number of the last ballot cast; the officers in charge of the voting check-list shall, in the presence of the other officers and watchers, count in a distinct and audible voice the names checked on the said list, and announce the whole number thereof; and the list of voters, the stubs of ballots used, and all unused ballots, shall then be sealed up, as required by section *twenty-five* of this act. The ballot-box shall then be opened by the inspectors, the ballots taken therefrom, and audibly counted, one by one, by them, and when the count is completed, the whole number of ballots cast shall be announced; *and the counting of the number of votes received by each person voted for shall then proceed. The judge in the presence of the inspectors, shall read aloud the name or names marked or inserted upon each ballot, together with the party name, or political appellation, under which each vote was cast, and the answers marked thereon to the questions submitted, if any; and the clerks shall each carefully enter each vote as read, and keep*

account of the same in tally-papers prepared for the purpose. It shall be unlawful for either judge or inspectors while counting the ballots or the votes thereon, to have in his hand any pen, pencil, or stamp for marking ballots.

All ballots, after being removed from the box, shall be kept within the unobstructed view of those present in the voting-room, so that they may be able to see all the marks on each ballot, but out of their reach, until they are placed in the ballot-box as required by law. *A full return shall be made in the manner now provided by law, of all votes cast; and such returns, as well as those made by the judges of the courts, shall state in every case the number of votes cast for each candidate by each political party or body of which such candidate is a nominee, as the same shall appear upon the ballots cast. The total vote, as soon as counted, shall be publicly announced.*

It shall be the duty of the police officers, constables, and deputy constables, now required by law to be present at the polls, to remain in the voting-room, but outside of the guard-rail, while the votes are being counted, and preserve order therein. No person, except the said peace officers, when necessary for the preservation of the peace, or persons acting by their authority, shall enter into the space within the guard-rail, or converse with any election officer, in any way after the polls are closed and until the counting of the votes has been completed," be amended so as to read as follows :

SECTION 28. After the polls are closed, the election officers only shall remain in the voting room, within the guard rail, and shall there at once proceed to count the votes. Such counting shall not be adjourned or postponed until it shall have been fully completed. A record shall first be made of the number of the last ballot cast. The officers in charge of the voting check list shall in the presence of the other officers and watchers count in a distinct and audible voice the names checked on the said list and announce the whole number thereof, and the list of

voters, the stubs of ballots used and all unused ballots shall then be sealed up as required by section *twenty-four* of this act. The ballot-box shall then be opened by the inspectors, and the ballots taken therefrom, and audibly counted, one by one by them, and when the count is completed, the whole number of ballots cast shall be announced. *The straight party ballots shall then be separated from the split ballots and the straight party ballots cast for each party shall be counted and a memorandum thereof made upon the tally sheet and the proper number of votes entered opposite the name of each candidate. The split ballots shall then be counted, one by one, and the proper entries of votes cast made upon the tally sheets. In case of any question submitted to vote, the judge, after the count of votes cast for candidates shall have been completed, shall go over the ballots one by one and read aloud the answers marked thereon to each of the questions submitted, and the clerks shall carefully enter each answer as read in the tally papers.*

All ballots, after being removed from the box shall be kept within the unobstructed view of those present in the voting room, so that they may be able to see all the marks on each ballot, but out of their reach until they are placed in the ballot box, as required by law.

It shall be the duty of the police officers, constables and deputy constables now required by law, to be present at the polls, to remain in the voting room, but outside of the guard-rail, while the votes are being counted, and preserve order therein. No person except the said peace officers when necessary for the preservation of the peace, or persons acting by their authority, shall enter into the space within the guard-rail, or converse with any election officers in any way after the polls are closed, and until the counting of the votes has been completed.

APPENDIX B

AN ACT

Defining the method of determining the vote cast by any political party and prescribing the method of making the return of such vote.

Be it enacted, etc., That where under any existing or future law the status of a political party is made to depend for any purpose upon the vote polled by such party, such vote shall be taken as the highest vote polled for any candidate of such party who is not also a candidate of any other party; or in case of no such candidate, then as the vote polled in the party square of such party, and for this purpose the judges of election and the judges of the courts, in making up their returns shall state separately the votes polled by each party in the party square.

APPENDIX C

AN ACT

To amend an act entitled "An Act to regulate the nomination and election of public officers, requiring certain expenses incident thereto to be paid by the several counties, and punishing certain offenses in regard to such elections," approved the tenth day of June, Anno Domini one thousand eight hundred and ninety-three, by changing the form of the ballot, the method of distributing the ballots to the electors, the method of voting, and the method of counting the votes.

SECTION 1. *Be it enacted, etc.*, That section one of an act entitled "An Act to regulate the nomination and election of public officers, requiring certain expenses incident thereto to be paid by the several counties, and punishing certain offenses in regard to such elections," approved the tenth day of June, Anno Domini one thousand eight hundred and ninety-three, which reads as follows:

"SECTION 1. *Be it enacted, etc.*, That all ballots cast in elections for public officers within this Commonwealth shall be printed and distributed at public expense as hereafter provided. The printing of the ballots and of the cards of instruction for the elections in each county, and the delivery of the same to the election officers as herein-after provided, and all other expenses incurred under the provisions of this act shall be a county charge, unless herein otherwise provided, the payment of which shall be provided for in the same manner as the payment of other election expenses. It shall be the duty of the Secretary of the Commonwealth to prepare forms for all the blanks made necessary or advisable by this act, and to furnish copies of the same to the county commissioners of each county, who shall procure further copies of the same at the cost of the county and furnish them to the election officers or other persons by whom they are to be used, in such quantities as

may be necessary to carry out the provisions of this act," be amended so as to read as follows:

SECTION 1. *Be it enacted, etc.,* That all ballots and envelopes cast in elections for public officers within this commonwealth shall be printed and distributed at public expense, as hereinafter provided. The printing of the ballots, the envelopes and of the cards of instructions for the elections in each county, and the delivery of the same to the election officers, as hereinafter provided, and all other expenses incurred under the provisions of this act, shall be a county charge, unless herein otherwise provided, the payment of which shall be provided for in the same manner as the payment of other election expenses. It shall be the duty of the Secretary of the Commonwealth to prepare forms for all the blanks made necessary or advisable by this act, and to furnish copies of the same to the county commissioners of each county, who shall procure further copies of the same at the cost of the county, and furnish them to the election officers or other persons by whom they are to be used, in such quantities as may be necessary to carry out the provisions of this act.

SECTION 2. That section thirteen of said act, which reads as follows:

"SECTION 13. The county commissioners of each county shall cause all the ballots to be used therein to be printed. The said commissioners shall ascertain the office to be filled and shall be responsible for the accurate printing of the ballots in accordance with this act, and for the safe-keeping of the same while in their possession, or that of their subordinates or agents," be amended so as to read as follows:

SECTION 13. The county commissioners of each county shall cause all the ballots and envelopes to be used therein to be printed. The said commissioners shall ascer-

tain the offices to be filled, and shall be responsible for the accurate printing of the ballots, in accordance with this act, and for the safe keeping of the *ballots and envelopes* while in their possession, or that of their subordinates or agents.

SECTION 3. That section fourteen of said act, as amended by section two of an act approved the twenty-ninth day of April, Anno Domini, one thousand nine hundred and three, which reads as follows:

“SECTION 14. When Presidential electors are to be voted for, the names of candidates for Presidential electors shall be arranged in party groups, as presented in the several certificates of party nomination and nomination papers, and the groups shall be printed upon the ballot in order of the vote obtained in the State, at the last Presidential election, by the parties nominating, beginning with the party which obtained the highest vote: Provided, That in the case of political parties not represented on the ballot in the last Presidential election, the order of arrangement shall be alphabetically.

At the head of each group of candidates shall be printed the appropriate party name or political appellation, together with the surnames of the candidates of such party for President and Vice-President, underneath which shall be printed the names of the appropriate candidates for Presidential electors.

At the right of the space containing the surnames of the candidates for President and Vice-President, and their party name or political appellation, there shall be a square, of sufficient size for the convenient insertion of a cross-mark (X), and at the right of the name of each candidate for Presidential elector, there shall be a similar, but smaller, square.

The names of candidates for all other offices shall, in all cases, be arranged under the title of the office for which they are candidates, and be printed in the order of the votes obtained for the head of the respective tickets of the parties

or bodies nominating at the last Presidential election, beginning with the party obtaining the highest vote: Provided, That in the case of parties not represented on the ballot at the last Presidential election, the name of the nominees of such parties shall be arranged alphabetically, according to the party name or political appellation. At the right of the name of each nominee, or candidate, shall be printed the name or appellation of *the* political party presenting or nominating him, and at the right of such party *name*, or political *appellation*, there shall be a square of sufficient size for the convenient insertion of a cross-mark.

Whenever any candidate shall receive more than one nomination for the same office, his name shall be printed once, and the names of each political party, so nominating him, shall be printed to the right of the name of such candidate, arranged in the same order as candidates' names are grouped, that is to say, in the order of the votes obtained by such party at the last preceding Presidential election, beginning with the party obtaining the highest vote. If such candidate shall be nominated by any political party not represented on the ballot in the last Presidential election, the name of such party shall follow the other names, and be arranged alphabetically, according to the party name or appellation. At the right of every party name, or political appellation, shall be a square, of sufficient size for the convenient insertion of a cross-mark.

There shall be left, at the end of the groups of candidates for Presidential electors, and of the list of candidates for each different office (or under the title of the office itself for which an election is to be held, in case there be no candidates legally nominated therefor), as many blank spaces as there are persons to be voted for, for such office, in which space the voter may insert the name of any person whose name is not printed on the ballot as a candidate for such office, and such insertion shall count as a vote, without the cross-mark as hereinafter mentioned.

Whenever the approval of a constitutional amendment, or other question, is submitted to the vote of the people, such question shall be printed upon the ballot in brief form, and followed by the words, "yes" and "no," and if such question be submitted at an election of public officers, it shall be printed after the list of candidates.

The ballots shall be so printed as to give to each voter a clear opportunity to designate his choice of candidates by a cross-mark (X), in a square of sufficient size at the right of the name of each candidate, and inside the line enclosing the column, and, in like manner, answers to questions submitted, by similar marks, in squares at the right of the words "yes" and "no," and on the ballot may be printed instructions how to mark, and such words as will aid the voter to do this, as "mark one," "mark two," and the like. Provided, That a voter may designate his choice of an entire group of candidates for Presidential electors by one cross-mark (X), in a large square, which shall be placed at the right of the names of the candidates for President and Vice-President, at the head of such group, and such mark shall be equivalent to a mark against every name in the group: Provided further, That each voter may have the opportunity of designating his choice for all the candidates, as nominated by one political party, there shall be printed on the extreme left of the ballot, and separated from the rest of the ballot by a space of at least one-half inch, a list of the names of all the political parties or groups of nominees, represented on such ballot and presenting candidates to be voted for at such election. Such names shall be arranged in the order of the votes obtained, at the last Presidential election, by the candidate at the head of the respective tickets of the parties or bodies nominating, beginning with the party that received the highest vote cast. Following the names of such political parties, shall be the names of the parties or principles not presented on the ballot at the last Presidential election, arranged alphabetically, according to the party name or political appellation. A square, of suffi-

cient size for the convenient insertion of a cross-mark, shall be placed at the right of each party name or appellation. Every mark within such square shall be equivalent to a mark against every name designated by that political appellation, or party name, including candidates nominated by more than one party, or group of citizens.

At the head of every ballot shall be printed the following instructions:

To vote a straight party ticket, mark a cross (X) in the square opposite the name of the party of your choice, in the first column. A cross-mark in the square opposite the name of any candidate, indicates a vote for that candidate," be amended so as to read as follows:

SECTION 14. When Presidential electors are to be voted for, the names of candidates for Presidential electors shall be arranged in party groups, as presented in the several certificates of party nomination and nomination papers, and the groups shall be printed upon the ballot in order of the vote obtained in the State, at the last Presidential election, by the parties nominating, beginning with the party which obtained the highest vote: Provided, That in the case of political parties not represented on the ballot in the last Presidential election, the order of arrangement shall be alphabetically.

At the head of each group of candidates shall be printed the appropriate party name or political appellation, together with the surnames of the candidates of such party for President and Vice-President, underneath which shall be printed the names of the appropriate candidates for Presidential electors.

At the right of the space containing the surnames of the candidates for President and Vice-President, and their party name or political appellation, there shall be a square, of sufficient size for the convenient insertion of a cross-mark (X), and at the right of the name of each candidate

for Presidential elector, there shall be a similar, but smaller square.

The names of candidates for all other offices shall, in all cases, be arranged under the title of the office for which they are candidates, and be printed in the order of the votes obtained for the head of the respective tickets of the parties or bodies nominating at the last Presidential election, beginning with the party obtaining the highest vote: Provided, That in the case of parties not represented on the ballot at the last Presidential election, the name of the nominees of such parties shall be arranged alphabetically, according to the party name or political appellation. At the right of the name of each nominee, or candidate, and *on the same line*, shall be printed the *initial letters of the* name or appellation of *each* political party presenting or nominating him, *arranged in the above order*, and at the right of such party *names* or political *appellations* there shall be a *single* square of sufficient size for the convenient insertion of a cross-mark.

There shall be left, at the end of the groups of candidates for Presidential electors, and of the list of candidates for each different office (or under the title of the office itself for which an election is to be held, in case there be no candidates legally nominated therefor), as many blank spaces as there are persons to be voted for, for such office, in which space the voter may insert the name of any person whose name is not printed on the ballot as a candidate for such office, and such insertion shall count as a vote, without the cross-mark as hereinafter mentioned.

Whenever the approval of a constitutional amendment, or other question, is submitted to the vote of the people, such question shall be printed upon the ballot in brief form, and followed by the words, "yes" and "no," and if such question be submitted at an election of public officers, it shall be printed after the list of candidates.

The ballots shall be so printed as to give to each voter a clear opportunity to designate his choice of candidates by

a cross-mark (X), in a square of sufficient size at the right of the name of each candidate, and inside the line enclosing the column, and, in like manner, answers to questions submitted, by similar marks, in squares at the right of the words "yes" and "no," and on the ballot may be printed instructions how to mark, and such words as will aid the voter to do this, as "mark one," "mark two," and the like. Provided, That a voter may designate his choice of an entire group of candidates for Presidential electors by one cross-mark (X), in a large square, which shall be placed at the right of the names of the candidates for President and Vice-President, at the head of such group, and such mark shall be equivalent to a mark against every name in the group: Provided further, That each voter may have the opportunity of designating his choice for all the candidates, as nominated by one political party, there shall be printed on the extreme left of the ballot, and separated from the rest of the ballot by a space of at least one-half inch, a list of the names of all the political parties or groups of nominees, represented on such ballot and presenting candidates to be voted for at such election. Such names shall be arranged in the order of the votes obtained, at the last Presidential election, by the candidate at the head of the respective tickets of the parties or bodies nominating, beginning with the party that received the highest vote cast. Following the names of such political parties shall be the names of the parties or principles not presented on the ballot at the last Presidential election, arranged alphabetically, according to the party name or political appellation. A square of sufficient size for the convenient insertion of a cross-mark, shall be placed at the right of each party name or appellation. Every mark within such square shall be equivalent to a mark against every name designated by that political appellation, or party name, including candidates nominated by more than one party, or group of citizens.

At the head of every ballot shall be printed the following instructions:

To vote a straight party ticket, mark a cross (X) in the square opposite the name of the party of your choice, in the first column. A cross-mark in the square opposite the name of any candidate, indicates a vote for that candidate.

SECTION 4. That section fifteen of said act, which reads as follows:

“SECTION 15. All the ballots used at the same voting place at any election shall be alike, and shall be at least six inches long and four inches wide. They shall be printed with the same kind or kinds of type, (which shall not be smaller than the size known as “brevier” or “eight-point body”), upon white paper without any impression or mark to distinguish one from another, and of sufficient thickness to prevent the printed matter from showing through. *Each ballot shall be attached to a stub or counterfoil, and all the ballots for the same voting place shall be bound together in convenient numbers in books in such manner that each ballot may be detached and removed separately.*

On the back of each ballot, or on the right hand side of the back, if the ballot is printed in two columns, there shall be printed as a caption, “official ballot for,” followed by the designation of the voting place for which the ballot is prepared, the date of the election and a fac-simile of the signatures of the county commissioners of the respective counties who have caused the ballots to be printed. A record of the number of ballots printed and furnished to each voting place shall be kept and preserved by the county commissioners of the several counties. When it is shown by affidavit that mistake or omission has occurred in the publication of names or description of candidates, or in the printing of the ballots, the court of common pleas of the district or county, or any judge thereof, may upon the application of any qualified elector of the district or county require the county commissioners to correct the mistake or

omission, or to show cause why they should not," be amended so as to read as follows :

SECTION 15. All the ballots used at the same voting place at any election shall be alike, and shall be at least six inches long and four inches wide. They shall be printed with the same kind or kinds of type (which shall not be smaller than the size known as "brevier" or "eight-point body"), upon white paper without any impression or mark to distinguish one from another, and of sufficient thickness to prevent the printed matter from showing through.

On the back of each ballot, or on the right hand side of the back, if the ballot is printed in two columns, there shall be printed as a caption, "official ballot for," followed by the designation of the voting place for which the ballot is prepared, the date of the election and a fac-simile of the signatures of the county commissioners of the respective counties who have caused the ballots to be printed. When it is shown by affidavit that mistake or omission has occurred in the publication of names or description of candidates, or in the printing of the ballots, the court of common pleas of the district or county, or any judge thereof, may upon the application of any qualified elector of the district or county require the county commissioners to correct the mistake or omission, or to show cause why they should not.

In addition to the official ballot, there shall be an official envelope large enough to conveniently receive a single ballot when folded. On the back of the envelope shall be printed the words "official envelope," followed by the date of the election, and a fac-simile of the signatures of the county commissioners. The flap of the envelope shall be gummed. A record of the number of ballots and envelopes printed and furnished to each voting place shall be kept and preserved by the county commissioners of the several counties.

SECTION 5. That section sixteen of said act, which reads as follows:

"SECTION 16. The county commissioners of each county shall provide for each election district in which an election is to be held, one set of such ballots of not less than seventy-five for every fifty and fraction of fifty voters therein, as contained upon the assessor's list. They shall also prepare full instructions for the guidance of voters, as to obtaining ballots, as to the manner of marking them *and the method of gaining assistance*, and as to obtaining new ballots in place of those accidentally spoiled; and they shall respectively cause the same, together with copies of sections thirty to thirty-five inclusive of this act, to be printed in large clear type on separate cards to be called Cards of Instruction. They shall also, in addition to the number of tickets required to be printed for general distribution, have printed five hundred official *and one hundred sample ballots* for every five thousand voters within the county, which tickets shall be kept at the office of the commissioners for the use of any district or districts, the tickets for which may be lost or destroyed. They shall also *cause to be printed on tinted paper and without the fac-simile endorsements, copies of the form of the ballot provided for each voting place at each election therein, which shall be called Specimen Ballots*, and at each election they shall furnish to each voting place, together with the ballots to be used there, a sufficient number of cards of instruction *and specimen ballots* for use as required in section twenty-one of this act. They shall also provide for each election district, at every election therein, two copies of the assessor's list of voters, and shall deliver the same as such lists are now delivered, one copy to be called the "ballot check-list," for the inspectors in charge of the ballots, and the other copy to be called the "voting check-list," to be used in marking the name of those who have voted *and the number of their ballots as now required by law*," be amended so as to read as follows:

SECTION 16. The county commissioners of each county shall provide for each election district in which an election is to be held one set of such ballots *and envelopes* of not less than seventy-five for every fifty and fraction of fifty voters therein, as contained upon the assessor's list. They shall also prepare full instructions for the guidance of voters, as to obtaining ballots, as to the manner of marking them, and as to obtaining new ballots *and envelopes* in place of those accidentally spoiled; and they shall respectively cause the same, together with copies of sections thirty to thirty-five inclusive of this act, to be printed in clear type on separate cards, to be called Cards of Instruction. They shall also, in addition to the number of tickets and *envelopes* required to be printed for distribution to the judges of election have printed five hundred official ballots *and envelopes* for every five thousand voters within the county, which tickets *and envelopes* shall be kept at the office of the commissioners, for the use of any district or districts the tickets *or envelopes* for which may be lost or destroyed. They shall also furnish to each voting place, together with the ballots and *envelopes* to be used there, a sufficient number of cards of instruction for use as required in section twenty-one of this act. They shall also provide for each election district *except in cities of the first, second and third class* at every election therein two copies of the assessor's lists of voters, and shall deliver the same as such lists are now delivered, one copy to be called the Ballot Check List for the inspectors in charge of the ballots, and the other copy to be called the Voting Check List, to be used in marking the names of those who have voted.

SECTION 6. That section seventeen of said act, which reads as follows:

"SECTION 17. The ballots, together with the *specimen ballots* and cards of instruction printed by the county commissioners as herein provided, shall be packed by them in separate sealed packages with marks on the outside clearly

designating the election districts for which they are intended and the number of ballots *of each kind* enclosed.

They shall then be sent by the county commissioners of the respective counties to the judges of election at the several voting places so as to be received by them on the Saturday or Monday before the day of election. The respective judges of election shall on delivery to them of such packages, return receipts therefor to the commissioners, who shall keep a record of the time when and the manner in which the several packages are sent, and shall preserve for the period of one year, the receipts of the said judges of election.

The commissioners of any county may, if they prefer, instead of sending the packages to the judges or any number of them in the manner aforesaid, notify the judges of the election districts for which the said commissioners are required to provide ballots, to come to the said commissioners' office on the day before the election, at a time specified, and it shall be the duty of each of the said judges to come to the said office at that time, and there on presentation of his certificate of election as judge, to receive and receipt for one package of ballots, *specimen ballots* and cards of instruction, for use in his election district. He shall keep the said package sealed and shall be responsible for the safe-keeping thereof until the ballots are used at the election. In case a judge of the election is prevented by illness from performing the duties aforesaid, he shall depute one of the inspectors to act in his place," be amended so as to read as follows :

SECTION 17. The ballots, together with the *envelopes* and cards of instruction printed by the county commissioners, as herein provided, shall be packed by them in separate sealed packages, with marks on the outside clearly designating the election districts for which they are intended, and the number of ballots *and envelopes* enclosed.

They shall then be sent by the county commissioners of the respective counties to the judges of election at the several voting places, so as to be received by them on the

Saturday or Monday before the day of election. The respective judges of election shall on delivery to them of such packages, return receipts therefor to the commissioners, who shall keep a record of the times when and the manner in which the several packages are sent, and shall preserve for the period of one year the receipts of the said judges of election.

The commissioners of any county may, if they prefer, instead of sending the packages to the judges, or any number of them in the manner aforesaid, notify the judges of the election districts for which the said commissioners are required to provide ballots, to come to the said commissioners' office on the day before the election, at a time specified, and it shall be the duty of each of the said judges to come to the said office at that time, and there on presentation of his certificate of election as judge, to receive and receipt for one package of ballots, *envelopes* and cards of instruction, for use in his election district. He shall keep the said package sealed and shall be responsible for the safe keeping thereof until the ballots *and envelopes* are used at the election. In case a judge of the election is prevented by illness from performing the duties aforesaid, he shall depute one of the inspectors to act in his place.

Any party, through the chairman of its county committee or any candidate whose name is printed on the ballot, may obtain from the county commissioners any number, not less than fifty, of the official ballots for any district, by presenting to the county commissioners, not less than seven days prior to the election, written application for the same, accompanied by the deposit of a sum sufficient to cover the costs of printing. Such ballots may be distributed in advance of the election, and may be voted in the same manner as ballots obtained at the polls.

SECTION 7. That section twenty of said act, which reads as follows:

"SECTION 20. At the opening of the polls in each voting place the seals of the packages shall be publicly broken and the said package shall be opened by the judge of elections. The cards of instruction shall be immediately posted at or in each voting shelf or compartment provided in accordance with this act for the marking of the ballots, and not less than three such cards *and not less than five specimen ballots* shall be immediately posted in or about the voting room outside the guard-rail; and such cards *and specimen ballots* shall be given to any voter at his request," be amended so as to read as follows:

SECTION 20. At the opening of the polls in each voting place the seals of the packages shall be publicly broken and the said package shall be opened by the judge of elections. The cards of instruction shall be immediately posted at or in each voting shelf or compartment provided in accordance with this act for the marking of the ballots, and not less than three such cards shall be immediately posted in or about the voting room outside the guard-rail; and such cards shall be given to any voter at his request.

SECTION 8: That section twenty-one of said act, which reads as follows:

"SECTION 21. Any person desiring to vote shall give his name and residence to one of the election officers in charge of the ballots, who shall thereupon announce the same in a loud and distinct tone of voice, and if such name is found upon the ballot check list by the inspector or clerks in charge thereof, he shall likewise repeat the said name, and the voter shall be allowed to enter the space enclosed by the guard-rail, unless his right to vote be challenged. No person whose name is not on the said list, or whose right to vote shall be challenged by a qualified citizen, shall be admitted within said guard-rail until he has established his right to vote in the manner now provided by law, and his name, if not on the check lists, shall then be added to both

lists. As soon as a voter is admitted within the rail the election officer having charge of the ballots shall *detach a ballot from the stub and give it to the said voter, but shall first fold it so that the words printed on the back and outside, as provided in section fifteen of this act, shall be the only wording visible and no ballot shall be voted unless folded in the same manner. Not more than one ballot shall be given to a voter except as provided in section twenty-five of this act. As soon as a voter receives a ballot the letter "B" shall be marked against his name on the margin of the ballot check list; but no record of the number of the ballots shall be made on the said lists.* Besides the election officers and such supervisors as are authorized by the laws of the United States or overseers appointed by the courts of this Commonwealth, not more than four voters in excess of the number of voting shelves or compartments provided, shall be allowed in said enclosed space at one time," be amended so as to read as follows :

SECTION 21. Any person desiring to vote, shall give his name and residence to one of the election officers in charge of the ballots, who shall thereupon announce the same in a loud and distinct voice, and if such name is found upon the ballot check list by the inspector or clerks in charge thereof, he shall likewise repeat the said name, and the voter shall be allowed to enter the space enclosed by the guard rail, unless his right to vote be challenged. No person whose name is not on the said list, or whose right to vote shall be challenged by a qualified citizen, shall be admitted within said guard rail until he has established his right to vote in the manner now provided by law, and his name if not on the check list shall then be added to both lists, *except in cities of the first, second and third classes, where if his name is not on the registry list, he shall not be entitled to vote.* As soon as a voter is admitted within the rail, the election officer having charge of the ballots shall *give to the voter one of the official envelopes, and if*

the voter shall ask for a ballot, he shall give him also one of the official ballots. Not more than one envelope shall be given to each voter, except as provided in section twenty-five of this act, and as soon as the voter receives an envelope, the letter "B" shall be marked against his name in the ballot check list. Besides the election officers and such supervisors as are authorized by the laws of the United States or overseers appointed by the courts of this commonwealth, not more than four voters in excess of the number of voting shelves or compartments provided, shall be allowed in said enclosed space at one time.

SECTION 9. That section twenty-two of said act as amended by section three of said act, approved April twenty-ninth, one thousand nine hundred and three, which reads as follows:

"SECTION 22. On receipt of his *ballot*, the voter shall forthwith, and without leaving the space enclosed by the guard-rail, retire to one of the voting shelves or compartments, and draw a curtain, or shut the screen or door, *and shall then prepare his ballot as follows:*

If he desires to vote for every candidate of a political party, he may make a cross-mark in the appropriate square, opposite the name of the party of his choice, in the straight party column on the left of the ballot, and every such cross-mark shall be equivalent to a vote for every candidate for the party so marked.

If he desires to vote for an entire group of Presidential electors, he may place a cross-mark in the appropriate square, at the right of the name of the party of his choice. If he desires to divide his vote among candidates from different groups of Presidential electors, he shall make a cross-mark in the appropriate square, to the right of the name of each candidate for Presidential elector for whom he desires to vote: Provided, That a mark in the straight party column, opposite the name of the party of his choice, shall also

be counted as a mark for each Presidential elector nominated by such party.

He may vote, according to the above provisions, for the candidate of his choice for each office to be filled, according to the number of persons to be voted for by him for each office, or he may insert in the blank space provided therefor, in accordance with section fourteen of this act, any name not already on the ballot. And in case of a question submitted to the vote of the people, he may mark in the appropriate margin or space a cross (X), opposite the answer which he desires to give. In all cases where, by existing laws, a voter is entitled to cast more than one vote for a single candidate, he shall place in the appropriate square, instead of a cross (X), a number, which shall indicate the number of votes to be counted for the candidate whose name is so marked.

Before leaving the voting shelf or compartment the voter shall fold his ballot, without displaying the markings thereon, in the same way it was folded when received by him, and he shall keep the same so folded and deposit it in the ballot-box without undue delay, and shall quit the enclosed space immediately thereafter," be amended so as to read as follows:

SECTION 22. On receipt of his *envelope*, the voter shall forthwith, without leaving the space enclosed by the guard-rail, retire *alone* to one of the voting shelves or compartments, and draw a curtain or shut the screen or door, and there remain until he shall have enclosed in his *envelope* the ballot which he desires to vote. The voter may use for the preparation of his ballot either a ballot which he has received from the election officers, or one of the official ballots which he shall have received elsewhere, but none but official ballots shall be voted.

If he desires to vote for every candidate of a political party he may make a cross-mark in the appropriate square opposite the name of the party of his choice in the straight

party column on the left of the ballot, and every such cross-mark shall be equivalent to a vote for every candidate for the party so marked.

If he desires to vote for an entire group of Presidential electors, he may place a cross-mark in the appropriate square at the right of the name of the party of his choice. If he desires to divide his vote among candidates from different groups of Presidential electors, he shall make a cross-mark in the appropriate square, to the right of the name of each candidate for Presidential elector for whom he desires to vote: Provided, that a mark in the straight party column, opposite the name of the party of his choice, shall also be counted as a mark for each Presidential elector nominated by such party.

He may vote according to the above provisions for each office to be filled, according to the number of persons to be voted for by him for each office, or he may insert in the blank space provided therefor, in accordance with section fourteen of this act any name not already on the ballot. And in case of a question submitted to the vote of the people, he may mark in the appropriate margin or space a cross (X), opposite the answer which he desires to give. In all cases where, by existing laws, a voter is entitled to cast more than one vote for a single candidate, he shall place in the appropriate square, instead of a cross (X), a number, which shall indicate the number of votes to be counted for the candidate whose name is so marked.

After enclosing his ballot in the envelope, the voter shall seal the envelope and deposit it in the ballot-box without undue delay, and quit the enclosed space immediately thereafter.

SECTION 10. That section twenty-three of said act as amended by section one of an act approved April sixteenth, one thousand nine hundred and three, which reads as follows:

"SECTION 23. No voter shall be allowed to occupy a voting shelf or compartment already occupied by another, *except when giving the help allowed by section twenty-six of this act*, nor to remain within said compartment more than three minutes in case all of such compartments are in use, and other voters are waiting to occupy the same. No voter not an election officer shall be allowed to re-enter the enclosed space after he has once left it, *except to give help as hereinafter described*. Each voter's name shall be checked on the voting check-list by the officer having charge thereof, as soon as he has cast his vote in the manner provided by law. It shall be the duty of the judge of election to secure the observation of the provisions of this section, to keep order in the room in which the voting is held and to see that no more persons are admitted within the enclosed space than are allowed by this act. Each party which has by its primary meeting, caucus, convention or board, sent to the proper office a certificate of nomination, and each group of citizens which has sent to the proper office a nomination paper *as provided in sections two and three of this act* shall be allowed to appoint three qualified electors, who must be three electors residents of the division in which they are authorized to act, to act as watchers in each voting place without expense to the county, one of whom shall be allowed to remain in the room outside of the enclosed space. Each watcher shall be provided with a certificate from the county commissioners, stating his name, the names of the persons who have appointed him and the party or policy he represents; and no party or policy shall be represented by more than one watcher in the same voting room at any one time. Watchers shall be required to show their certificates when required to do so. Until the polls are closed, no persons shall be allowed in the room outside of the said enclosed space except these watchers, voters not exceeding ten at any one time who are waiting their turn to prepare their ballots, and peace officers when necessary for the preservation of the peace. No person when within the voting

room shall electioneer or solicit votes for any party or candidate, nor shall any written or printed matter be posted up within said room except as required by law. When the hour for closing the polls shall arrive all persons within the enclosed space who have received *ballots* but have not yet deposited them, shall be required to mark and deposit their ballots forthwith, but no other person shall be allowed to vote," be amended so as to read as follows:

SECTION 23. No voter shall be allowed to occupy a voting shelf or compartment already occupied by another, nor to remain within said compartment more than three minutes in case all of such compartments are in use and other voters are waiting to occupy the same. No voter, not an election officer, shall be allowed to re-enter the enclosed space after he has once left it. Each voter's name shall be checked on the voting check list by the officer having charge thereof as soon as he has cast his vote. It shall be the duty of the judge of election to secure the observation of the provisions of this section, to keep order in the room in which the voting is held, and to see that no more persons are admitted within the enclosed space than are allowed by this act. Each party which has by its primary meeting, caucus, convention or board, sent to the proper office a certificate of nomination, and each group of citizens which has sent to the proper office a nomination paper shall be allowed to appoint three qualified electors, who must be three electors residents of the division in which they are authorized to act, to act as watchers in each voting place without expense to the county, one of whom shall be allowed to remain in the room outside of the enclosed space. Each watcher shall be provided with a certificate from the County Commissioners, stating his name, the names of the persons who have appointed him and the party or policy he represents; and no party or policy shall be represented by more than one watcher in the same voting room at any one time. Watchers shall be required to show their certificates when

required to do so. Until the polls are closed, no person shall be allowed in the room outside of the said enclosed space, except these watchers, voters not exceeding ten at any one time who are waiting their turn to prepare their ballots, and peace officers, when necessary for the preservation of the peace. No person when within the voting room shall electioneer or solicit votes for any party or candidate, nor shall any written or printed matter be posted up within said room except as required by law. When the hour for closing the polls shall arrive all persons within the enclosed space who have received *envelopes* but have not yet deposited them, shall be required to mark and deposit their ballots forthwith, but no other person shall be allowed to vote.

SECTION 11. That section twenty-four of said act, which reads as follows:

“SECTION 24. No list or memorandum of the names of voters, except such lists as are expressly authorized by law, shall be made within the voting-room by any person or officer, *nor shall any list or memorandum of the numbers marked upon the ballots be made or kept except such lists as are expressly authorized by law; Provided, That any voter may make a memorandum of the number of his own ballot and* watchers may keep their poll-books and challenge lists.

After the closing of the polls and before the ballot-boxes are opened, all the lists of voters, *upon which the numbers of the ballots are recorded as now required by law*, shall be placed in separate sealed covers properly marked, and *the stubs of all the ballots used, together with* all unused ballots and the ballot check-list, shall also be enclosed in a sealed package properly designating the voting place, which package shall be sent to the proper office as required by law in the case of the ballots cast, and neither the said package, nor the said list of voters shall thereafter be opened except by the return judges, or in the case of a

contest, or upon the order of a court of a competent jurisdiction," be amended so as to read as follows:

SECTION 24. No list or memorandum of the names of voters, except such lists as are expressly authorized by law, shall be made within the voting-room by any person or officer, but watchers may keep their poll-books and challenge lists.

After the closing of the polls and before the ballot-boxes are opened, all the lists of voters shall be placed in separate sealed covers properly marked, and all unused ballots and envelopes and the ballot check-list shall also be enclosed in a sealed package, properly designating the voting place, which package shall be sent to the proper office, as required by law in the case of ballots cast, and neither the said package, nor the said list of voters shall thereafter be opened, except by the return judges, or in the case of a contest or upon the order of a court of competent jurisdiction.

SECTION 12. That section twenty-five of said act, which reads as follows:

"SECTION 25. No person other than the election officers shall take or remove any *ballot* from the voting place. If any voter inadvertently spoils a ballot he may obtain another upon returning the spoiled one. The *ballots* thus returned shall be immediately canceled, and at the close of the polls shall be secured in an *envelope*, sealed and sent to the proper office, as required by law in the case of the ballots cast," be amended so as to read as follows:

SECTION 25. No person other than the election officers shall take or remove any *envelope* from the voting place. If any voter inadvertently spoils a ballot or *envelope*, he may obtain another upon returning the spoiled one. The *envelopes* thus returned shall be immediately canceled, and at the close of the polls shall be secured in a *sealed cover* and sent to the proper office, as required by law in the case of ballots cast.

SECTION 13. That section twenty-seven of said act, as amended by section four of said act, approved April twenty-ninth, one thousand nine hundred and three, which reads as follows:

“SECTION 27. If a voter has marked his ballot otherwise than as directed by this act, so that for any reason it is impossible to determine the voter's choice for any office to be filled, his ballot shall not be counted for such office; but the ballot shall be counted for all other offices for which the names of candidates have been properly marked.

No ballot without the official endorsement shall, except as herein otherwise provided, be allowed to be deposited in the ballot-box, and none but ballots provided in accordance with the provisions of this act shall be counted. Ballots not marked, or improperly or defectively marked, shall be endorsed as defective, but shall be preserved with the other ballots. If any *ballot* appears to have been obtained otherwise than as provided in this act, the judge of elections shall transmit such *ballot* to the district attorney, without delay, together with whatever information he may have tending to the detection of the person who deposited the same,” be amended so as to read as follows:

SECTION 27. If a voter has marked his ballot otherwise than as directed by this act, so that for any reason it is impossible to determine the voter's choice for any office to be filled, his ballot shall not be counted for such office; but the ballot shall be counted for all other offices for which the names of candidates have been properly marked; *Provided, That if a voter shall make a cross (X) in a party square, and also in the square opposite the name of any candidate or candidates for any office, or shall also write the names of any such candidates in the blank spaces provided for that purpose, his ballot shall be counted as a vote for such candidates for that office and as a straight party vote for all other offices.*

None but official ballots, contained in official envelopes shall be counted. If any envelope shall contain more than one ballot, such ballots shall not be counted. Ballots not marked, or improperly or defectively marked, shall be indorsed as defective, but shall be preserved with the other ballots. If any envelope appears to have been obtained otherwise than as provided in this act, the judge of election shall transmit such envelope to the District Attorney without delay, together with whatever information he may have tending to the detection of the person who deposited the same.

SECTION 14. That section twenty-eight of said act, as amended by section five of said act approved April twenty-ninth, one thousand nine hundred and three, which reads as follows :

“SECTION 28. After the polls are closed, the election officers only shall remain in the voting-room within the guard-rail, and shall there at once proceed to count the votes. Such counting shall not be adjourned or postponed until it shall have been fully completed. *A record shall first be made of the number of the last ballot cast; the officers in charge of the voting check-list shall, in the presence of the other officers and watchers, count in a distinct and audible voice the names checked on the said list, and announce the whole number thereof; and the list of voters, the stubs of ballots used, and all unused ballots, shall then be sealed up, as required by section twenty-five of this act. The ballot-box shall then be opened by the inspectors, the ballots taken therefrom, and audibly counted, one by one, by them, and when the count is completed, the whole number of ballots cast shall be announced; and the counting of the number of votes received by each person voted for shall then proceed. The judge, in the presence of the inspectors, shall read aloud the name or names marked or inserted upon each ballot, together with the party name, or political appellation, under which each vote was cast, and the answers*

marked thereon to the questions submitted, if any; and the clerks shall each carefully enter each vote as read, and keep account of the same in tally-papers prepared for the purpose. It shall be unlawful for either judge or inspectors while counting the ballots or the votes thereon, to have in his hand any pen, pencil, or stamp for marking ballots.

All ballots, after being removed from the box, shall be kept within the unobstructed view of those present in the voting-room, so that they may be able to see all the marks on each ballot, but out of their reach, until they are placed in the ballot-box as required by law. *A full return shall be made in the manner now provided by law, of all votes cast; and such returns, as well as those made by the judges of the courts, shall state in every case the number of votes cast for each candidate by each political party or body of which such candidate is a nominee, as the same shall appear upon the ballots cast. The total vote, as soon as counted, shall be publicly announced.*

It shall be the duty of the police officers, constables, and deputy constables, now required by law to be present at the polls, to remain in the voting-room, but outside of the guard-rail, while the votes are being counted, and preserve order therein. No person, except the said peace officers, when necessary for the preservation of the peace, or persons acting by their authority, shall enter into the space within the guard-rail, or converse with any election officer, in any way after the polls are closed and until the counting of the votes has been completed," be amended so as to read as follows:

SECTION 28. After the polls are closed, the election officers only shall remain in the voting room, within the guard rail, and shall there at once proceed to count the votes. Such counting shall not be adjourned or postponed until it shall have been fully completed. The officers in charge of the voting check list shall in the presence of the other officers and watchers count in a distinct and audible

voice the names checked on the said list and announce the whole number thereof and the list of voters and all unused ballots *and envelopes* shall then be sealed up as required by section *twenty-four* of this act. The ballot box shall then be opened by the inspectors, and the ballots taken therefrom, and audibly counted, one by one, by them, and when the count is completed, the whole number of ballots cast shall be announced. *The ballots shall then be taken from the envelopes and the straight party ballots separated from the split ballots. The straight party ballots cast for each party shall be counted and a memorandum thereof made upon the tally sheet and the proper number of votes entered opposite the name of each candidate. The split ballots shall then be counted, one by one, and the proper entries of votes cast made upon the tally sheets. In case of any question submitted to vote, the judge, after the count of votes cast for candidates shall have been completed, shall go over the ballots one by one and read aloud the answers marked thereon to each of the questions submitted, and the clerks shall carefully enter each answer as read in the tally papers.*

All ballots, after being removed from the box, shall be kept within the unobstructed view of those present in the voting room, so that they may be able to see all the marks on each ballot, but out of their reach, until they are placed in the ballot box, as required by law.

It shall be the duty of the police officers, constables and deputy constables now required by law, to be present at the polls, to remain in the voting room, but outside of the guard rail while the votes are being counted, and preserve order therein. No person except the said peace officers when necessary for the preservation of the peace, or persons acting by their authority, shall enter into the space within the guard rail, or converse with any election officers in any way after the polls are closed, and until the counting of the votes has been completed.

SECTION 15. That section thirty of said act, as amended by section six of said act approved April twenty-ninth, one thousand nine hundred and three, which reads as follows :

“SECTION 30. A voter who shall allow his ballot to be seen by any person, with the apparent intention of letting it be known how he is about to vote, or shall cast or attempt to cast any other than the official ballot *which has been given him by the proper election officer, or shall falsely declare to a judge of election that, by reason of any disability, he is unable to mark his ballot, and on that account desires assistance in marking it,* or shall wilfully violate any other provision of this act; or any person who shall interfere with any voter when inside said enclosed space or when marking his ballot, or who shall endeavor to induce any voter before depositing his ballot to show how he marks or has marked his ballot; *or any helper who shall attempt to influence the vote of the voter whom he is assisting, or who shall mark a ballot in any other way than that requested by the voter whom he is assisting, or who shall disclose to any one the contents of any ballot, which has been marked with his help, except when required so to do in any legal proceedings;* shall be guilty of a misdemeanor, and upon conviction shall be sentenced to pay a fine not to exceed one hundred dollars, or to undergo an imprisonment for not more than three months, or both, at the discretion of the court,” be amended so as to read as follows :

SECTION 30. A voter who shall allow his ballot to be seen by any person, with the apparent intention of letting it be known how he is about to vote, or shall cast or attempt to cast any other than the official ballot, or shall wilfully violate any other provision of this act; or any person who shall interfere with any voter when inside said enclosed space or when marking his ballot, or who shall endeavor to induce any voter before depositing his ballot to show how he marks or has marked his ballot, shall be guilty of a misdemeanor,

and upon conviction shall be sentenced to pay a fine not to exceed one hundred dollars, or to undergo an imprisonment for not more than three months, or both, at the discretion of the court.

SECTION 16. That section thirty-two of said act, which reads as follows :

“SECTION 32. Any person who shall falsely make or wilfully deface or destroy any certificate of nomination, or nomination paper, or any part thereof, or any letter of withdrawal, or file any certificate of nomination, or nomination paper, or letter of withdrawal, knowing the same or any part thereof to be falsely made, or suppress any certificate of nomination, or nomination paper, or any part thereof, which has been duly filed, or forge, or falsely make the official endorsement on any ballot, or wilfully destroy or deface any ballot, or wilfully delay the delivery of any ballots, shall be guilty of misdemeanor, and upon conviction shall be sentenced to pay a fine not exceeding one thousand dollars, or to undergo an imprisonment for not more than one year, or both, at the discretion of the court,” be amended so as to read as follows :

SECTION 32. Any person who shall falsely make or wilfully deface or destroy any certificate of nomination, or nomination paper, or any part thereof, or any letter of withdrawal, or file any certificate of nomination, or nomination paper, or letter of withdrawal, knowing the same or any part thereof to be falsely made, or suppress any certificate of nomination, or nomination paper, or any part thereof, which has been duly filed, or forge, or falsely make the official endorsement on any ballot *or envelope*, or wilfully destroy or deface any ballot *or envelope*, or wilfully delay the delivery of any ballots *or envelopes*, shall be guilty of a misdemeanor, and upon conviction shall be sentenced to pay a fine not exceeding one thousand dollars, or to undergo an imprisonment for not more than one year, or both, at the discretion of the court.

SECTION 17. That section thirty-four of said act, which reads as follows :

“SECTION 34. Any printer employed by the commissioners of any county to print any official ballot, or any person engaged in printing the same, who shall appropriate to himself, or give or deliver or knowingly permit to be taken any of said ballots by any other person than such commissioners, or their duly authorized agent, or shall wilfully print, or cause to be printed any official ballot in any other form than that prescribed by such commissioners, or with any other names thereon, or with the names spelled otherwise than as directed by them, or the names or printing thereon arranged in any other way than that authorized and directed by this act, shall be guilty of a misdemeanor, and upon conviction shall be sentenced to pay a fine not exceeding one thousand dollars, or to undergo an imprisonment for not more than five years, or both, at the discretion of the court,” be amended so as to read as follows :

SECTION 34. Any printer employed by the commissioners of any county to print any official ballot *or envelope*, or any person engaged in printing the same, who shall appropriate to himself, or give or deliver or knowingly permit to be taken any of said ballots *or envelopes* by any other person than such commissioners, or their duly authorized agent, or shall wilfully print, or cause to be printed any official ballot in any other form than that prescribed by such commissioners, or with any other names thereon, or with the names spelled otherwise than as directed by them, or the names or printing thereon arranged in any other way than that authorized and directed by this act, shall be guilty of a misdemeanor, and upon conviction shall be sentenced to pay a fine not exceeding one thousand dollars, or to undergo an imprisonment for not more than five years, or both, at the discretion of the court.

SECTION 18. That section thirty-five of said act, which reads as follows :

“SECTION 35. Any person other than an officer charged by law with the care of *ballots*, or a person entrusted by any such officer with the care of the same for a purpose required by law, who shall have in his possession outside the voting room any official *ballot*, or any person who shall make or have in possession any counterfeit of an official ballot, shall be guilty of a misdemeanor, and upon conviction shall be sentenced to pay a fine not exceeding one thousand dollars, or to undergo an imprisonment for not more than one year, or both, at the discretion of the court,” be amended so as to read as follows :

SECTION 35. Any person other than an officer charged by law with the care of *envelopes*, or a person entrusted by any such officer with the care of the same for a purpose required by law, who shall have in his possession outside the voting room any official *envelope*, or any person who shall make or have in possession any counterfeit of an official ballot or *envelope*, shall be guilty of a misdemeanor, and upon conviction shall be sentenced to pay a fine not exceeding one thousand dollars, or to undergo an imprisonment for not more than one year, or both, at the discretion of the court.

SECTION 19. That section twenty-six of said act be and the same is hereby repealed.

APPENDIX D

AN ACT

To amend section thirteen of an act entitled "A further supplement to the Act regulating elections in this Commonwealth," approved the thirtieth day of January, Anno Domini one thousand eight hundred and seventy-four, as amended by section one of an act approved April twenty-eighth, one thousand eight hundred and ninety-nine as further amended by section one of an act approved May sixth, one thousand nine hundred and nine, by providing for the opening of the ballot boxes under certain circumstances.

SECTION I. *Be it enacted, etc.,* That section thirteen of an act entitled "A further supplement to the Act regulating elections in this commonwealth," approved the thirtieth day of January, one thousand eight hundred and seventy-four, as amended by section one of an act approved April twenty-eighth, one thousand eight hundred and ninety-nine, as further amended by section one of an act approved May sixth, one thousand nine hundred and nine, which reads as follows :

"SECTION 13. As soon as the polls shall close the officers of election shall proceed to count all the votes cast for each candidate voted for, and make a full return of the same in triplicate, with a return sheet in addition, in all of which the votes received by each candidate shall be given after his or her name, first in words and again in figures, and shall be signed by all of said officers and certified by overseers, if any, or if not so certified, the overseers and any officer refusing to sign or certify, or either of them, shall write upon each of the returns his or their reasons for not signing or certifying them. The vote, as soon as counted, shall also be publicly and fully declared from the window to the citizens present, and a brief statement showing the votes received by each candidate shall be made and signed by the

election officers as soon as the vote is counted, and the same shall be immediately posted up on the door of the election house for information of the public. The triplicate returns shall be enclosed in envelopes and be sealed in presence of the officers, and one envelope, with the unsealed return-sheet, given to the judge, which shall contain one list of voters, tally-paper, and oaths of officers, and another of said envelopes shall be given to the minority inspector. All judges living within twelve miles of the prothonotary's office, or within twenty-four miles, if their residence be in a town, village or city upon the line of a railroad leading to the county seat, shall, before two o'clock post meridian of the day after the election, and all other judges shall, before twelve o'clock meridian of the second day after the election, deliver said return, together with the return-sheet, to the prothonotary of the court of common pleas of the county, which said return-sheet shall be filed, and the day and hour of filing marked thereon, and shall be preserved by the prothonotary for public inspection. At twelve o'clock on the said second day following any election, the prothonotary of the court of common pleas shall present the said returns to the said court. In counties where there is no resident president judge, the associate judges shall perform the duties imposed upon the court of common pleas, which shall convene for said purpose; the returns presented by the prothonotary shall be opened by said court and computed by such of its officers and such sworn assistants as the court shall appoint, in the presence of the judge or judges of said court, and the returns certified and certificates of election issued under the seal of the court as is now required to be done by return judges; and the vote as so computed and certified shall be made a matter of record in said court. The sessions of the said court shall be open to the public. And in case the returns of any election district shall be missing when the returns are presented, *or in case of complaint of a qualified elector under oath, charging palpable fraud or mistake, and particularly specifying the alleged fraud or mistake, or*

where fraud or mistake is apparent on the return, the court *shall examine the return*, and if in the judgment of the court it shall be necessary to a just return, said court shall issue summary process against the election officers and overseers, if any, of the election district complained of, to bring them forthwith into the court, with all election papers in their possession; and if *palpable* mistake or fraud shall be discovered, it shall, upon such hearing as may be deemed necessary to enlighten the court, be corrected by the court, and so certified; *but all allegations of palpable fraud or mistake shall be decided by the said court within three days after the day the returns are brought into court for computation; and the said inquiry shall be directed only to palpable fraud or mistake, and shall not be deemed a judicial adjudication to conclude any contest now or hereafter to be provided by law; and the other of said triplicate returns shall be placed in the box and sealed up with the ballots.* Nothing in this act shall require the returns of elections of township or borough officers to be made to the court as directed in this section; but all returns of the election of township and borough officers shall be enclosed in a sealed cover, directed to the prothonotary of the court of common pleas of the proper county, and shall by some one of *them* be delivered into his office within three days after every such election, and filed therein. In counties where there are three or more judges of said court learned in the law, at least two judges shall sit to compute and certify returns, unless unavoidably prevented. If any of the said judges shall himself be a candidate for any office at any election, he shall not sit with the court, or act in counting the returns of such election, and in such cases the other judges, if any, shall act; and if in any county there shall be no judge qualified to hold the said court, under the provisions of this act, present and able to act, then, and in every such case, the register of wills, the sheriff and the county commissioners of the proper county shall be and constitute a board who, or a majority of whom, shall have and exercise all the powers and perform all the

duties vested in, or required to be performed by the court of common pleas of such county, by and under the provisions of this section; but none of the said officers shall act as a member of such board when himself a candidate for any office at the election, the returns of which the said board is required to count under the provisions of this section. The returns required by this act to be presented by the prothonotary of the courts of common pleas of Philadelphia and Allegheny, respectively, shall be presented to such two or more of the judges of the several courts of common pleas of said counties, respectively, as the judges of said courts, or a majority of them, may designate to perform the duty of receiving, computing and certifying said returns. When two or more counties, or parts of two or more counties, are connected for the election of any officer, the courts of such counties, or parts of counties, comprising the district, shall each appoint a return judge, resident within such district, to meet within seven days after the day of the election of such officer, at such place as is required by law, or if no place of meeting is designated by law, at such place within such district where the returns of the election of such officer shall, by law be directed to be filed, to compute and certify the vote of such district, and it shall be the duty of the return judges, in such case, to transmit to the person elected, as such officer's certificate of his election, within five days after the day of making up such return. All officers provided for by this act shall be compensated as like officers are paid by existing laws. Whenever a place has been or shall be provided by the authorities of any city, county, township or borough, for the safe-keeping of ballot-boxes, the judge and minority inspector shall, after the election shall be finished, and the ballot-box or boxes containing the tickets, list of voters and other papers, have been securely bound with tape and sealed, and the signatures of the judge and inspectors affixed thereto, forthwith deliver the same, together with the remaining boxes, to the mayor and *recorder* of such city, or in counties, townships or boroughs,

to such person or persons as the court of common pleas of the proper county may designate, at the place provided, as aforesaid, who shall then deposit the said boxes and keep the same to answer the call of any court or tribunal authorized to try the merits of such election. Whenever the election officers of any election district shall require the election boxes of such district to hold any election which, by law, they are or shall be required to hold, they shall keep the same securely in their possession without opening, until the morning of such election, and until they shall severally be sworn or affirmed not to disclose how any elector shall have voted, and after being so sworn or affirmed, they shall open the said boxes and burn and totally destroy all the ballots and other papers which they shall find therein, before proceeding to hold such election," be amended so as to read as follows :

SECTION 13. As soon as the polls shall close the officers of election shall proceed to count all the votes cast for each candidate voted for and make a full return of the same in triplicate, with a return sheet in addition, in all of which the votes cast for each candidate shall be given after his or her name, first in words and again in figures, and shall be signed by all of said officers and certified by overseers, if any, or if not so certified, the overseers and any officer refusing to sign or certify, or either of them, shall write upon each of the returns his or their reasons for not signing or certifying them. The vote, as soon as counted, shall also be publicly and fully declared from the window to the citizens present, and a brief statement showing the votes received by each candidate shall be made and signed by the election officers as soon as the vote is counted, and the same shall be immediately posted up on the door of the election house for information of the public. The triplicate returns shall be enclosed in envelopes and be sealed in presence of the officers, and one envelope, with the unsealed return-sheet, given to the judge, which *envelope* shall con-

tain *also* one list of voters, tally-paper, and oaths of officers, and another of said envelopes shall be given to the minority inspector, *and the third of said triplicate returns shall be placed in the box and sealed up with the ballots as now provided by law.* All judges living within twelve miles of the prothonotary's office, or within twenty-four miles, if their residence be in a town, village or city upon the line of a railroad leading to the county seat, shall, before two o'clock post meridian of the day after the election, and all other judges shall, before twelve o'clock meridian of the second day after the election, deliver said return, together with their return sheet, to the prothonotary of the court of common pleas of the county, which said return sheet shall be filed, and the day and hour of filing marked thereon, and shall be preserved by the prothonotary for public inspection. At twelve o'clock on the said second day following any election, the prothonotary of the court of common pleas shall present the said returns to the said court. In counties where there is no resident president judge, the associate judges shall perform the duties imposed upon the court of common pleas, which shall convene for said purpose; the returns presented by the prothonotary shall be opened by said court and computed by such of its officers and such sworn assistants as the court shall appoint, in the presence of the judge or judges of said court, and the returns certified and certificates of election issued under the seal of the court as is now required to be done by return judges; and the vote as so computed and certified shall be made a matter of record in said court. The sessions of the said court shall be open to the public. *It shall be the duty of the court upon the petition of ten qualified electors of any ward, township or borough containing more than two election districts to open two ballot-boxes selected by lot from such ward, township or borough, and to recount the votes. It shall likewise be the duty of the court upon the sworn petition of ten qualified electors of any county, setting forth any specific act of fraud which upon information*

which they consider reliable they believe has been committed in any election district of said county to open the ballot-box of such district and recount the votes; Provided, That in either case such petition shall be presented within three days after the day the returns are brought into court for computation. And in case the returns of any election district shall be missing when the returns are presented, or where fraud or mistake is apparent on the return, the court may open the ballot-box of such district and count the votes. And if in the judgment of the court it shall be necessary to a just return, said court shall issue summary process against the election officers and overseers, if any, of the election district complained of, to bring them forthwith into the court, with all election papers in their possession. And if mistake or fraud shall be discovered, it shall, upon such hearing as shall be deemed necessary to enlighten the court, be corrected by the court, and so certified. Nothing in this act shall require the returns of elections of township or borough officers to be made to the court as directed in this section, but all returns of the election of township and borough officers shall be enclosed in a sealed cover, directed to the prothonotary of the court of common pleas of the proper county and shall by some one of the election officers, be delivered into his office within three days after every such election and filed therein. In counties where there are three or more judges of said court learned in the law, at least two judges shall sit to compute and certify returns, unless unavoidably prevented. If any of said judges shall himself be a candidate for any office at any election, he shall not sit with the court, or act in counting the returns of such election, and in such cases the other judges, if any, shall act; and if in any county there shall be no judge qualified to hold the said court, under the provisions of this act, present and able to act, then, and in every such case, the register of wills, the sheriff and the county commissioners of the proper county shall be and constitute a board who, or a

majority of whom, shall have and exercise all the powers and perform all the duties vested in, or required to be performed by the court of common pleas of such county, by and under the provisions of this section; but none of the said officers shall act as a member of such board when himself a candidate for any office at the election, the returns of which the said board is required to count under the provisions of this section. The returns required by this act to be presented by the prothonotary of the court of common pleas of Philadelphia and Allegheny Counties, respectively, shall be presented to such two or more of the judges of the several courts of common pleas of said counties, respectively, as the judges of said courts, or a majority of them, may designate to perform the duty of receiving, computing and certifying said returns. When two or more counties, or parts of two or more counties, are connected for the election of any officer, the courts of such counties, or parts of counties, comprising the district, shall each appoint a return judge, resident within such district, to meet within seven days after the day of the election of such officer, at such place as is required by law, or if no place of meeting is designated by law, at such place within such district where the returns of the election of such officer shall, by law, be directed to be filed, to compute and certify the vote of such district, and it shall be the duty of the return judges, in such cases, to transmit to the person elected, *one of the returns* as such officer's certificate of his election, within five days after the day of making up such return. All officers provided for by this act shall be compensated as like officers are paid by existing laws. Whenever a place has been or shall be provided by the authorities of any city, county, township or borough, for the safe keeping of ballot-boxes, the judge and minority inspector shall, after the election shall be finished, and the ballot-box or boxes containing the tickets, list of voters and other papers, have been securely bound with tape and sealed, and the signatures of the judge and inspectors affixed thereto, forthwith deliver the same, together with the re-

maining boxes, to the mayor and *prothonotary* of such city, or in counties, townships or boroughs, to such person or persons as the court of common pleas of the proper county may designate, at the place provided, as aforesaid, who shall then deposit the said boxes and keep the same to answer the call of any court or tribunal authorized to try the merits of such election. Whenever the election officers of any election district shall require the election boxes of such district to hold any election which, by law, they are or shall be required to hold, they shall keep the same securely in their possession without opening, until the morning of such election and until they shall severally be sworn or affirmed not to disclose how any elector shall have voted, and after being so sworn or affirmed, they shall open the said boxes and burn and totally destroy all the ballots and other papers which they shall find therein, before proceeding to hold such election.

APPENDIX E

AN ACT

Providing for the division of election districts in cities of more than one hundred thousand inhabitants.

SECTION 1. *Be it enacted, etc.*, That whenever at any election more than two hundred and fifty votes shall have been polled in any district in a city of over one hundred thousand inhabitants, it shall be the duty of the county commissioners of the county in which such city is located, within three months after such election, to commence appropriate proceedings in the Court of Quarter Sessions of such county for the purpose of dividing such district.

APPENDIX F

AN ACT

Providing the method of changing polling places.

SECTION 1. *Be it enacted, etc.,* That it shall be lawful for the county commissioners of any county, at any time not less than three weeks prior to any election or registration day, for any reason that may seem proper to the county commissioners, upon a petition of at least ten qualified electors of any election district within the county, to change the polling place of said district. Upon presentation of any such petition, the county commissioners shall fix a time for a hearing thereon, which shall be not less than five, nor more than ten days after the filing of the petition, and notice of such hearing shall be posted for at least four days prior thereto on a public bulletin board in the office of the county commissioners, and also on the outside of the polling place. At such hearing, any qualified elector of the election district shall have the right to appear and to be heard, either in favor of or against such change; provided that the county commissioners may, in their discretion, direct that an election be held to determine the question where such polling place shall be located.

SECTION 2. It shall likewise be lawful for the county commissioners at any time within three weeks of any election or registration day, whenever the existing polling place for any reason has been rendered unavailable within four weeks of the date of such election or registration day, upon the petition of at least ten qualified electors of the district, to change the polling place of such district. Upon presentation of such petition, the county commissioners shall fix a time for a hearing thereon, of which at least one day's public notice shall be given in the manner provided in sec-

tion one of this act, and at such hearing any qualified elector of the district may appear and be heard, either for or against the proposed change.

SECTION 3. It is intended by this act to furnish a complete, comprehensive and exclusive system for changing the location of the polling places within the commonwealth, and all acts or parts of acts inconsistent herewith are hereby repealed.

APPENDIX G

AN ACT

To amend section nineteen of an act entitled "An Act to regulate the nomination and election of public officers, requiring certain expenses incident thereto to be paid by the several counties, and punishing certain offenses in regard to such elections," approved the tenth day of June, one thousand nine hundred and three.

SECTION 1. *Be it enacted, etc.,* That section nineteen of an act entitled: "An Act to regulate the nomination and election of public officers requiring certain expenses incident thereto to be paid by the several counties and punishing certain offenses in regard to such elections," approved the tenth day of June, 1893 (P. L. 419), which reads as follows:

"SECTION 19. The county commissioners of each county shall provide for each election district therein, at each election, a room large enough to be fitted up with voting shelves and a guard rail as hereinafter provided. If in any district no such room can be rented or otherwise obtained, the said commissioners shall cause to be constructed for such district a temporary room of adequate size to be used as a voting room. They shall also cause all the said rooms to be suitably provided with heat and light, and with a sufficient number of voting shelves or compartments at or in which voters may conveniently mark their ballots, with a curtain, screen or door at the upper part of the front of each compartment, so that in the marking thereof they may be screened from the observation of others, and a guard-rail shall be so constructed and placed that only such persons as are inside said rail can approach within six feet of the ballot box and of such voting shelves or compartments. The arrangement shall be such that

neither the ballot box nor the voting booths shall be hidden from view of those just outside the said guard-rail. The number of such voting shelves or compartments shall not be less than one for every seventy-five names on the assessor's lists; but shall not in any case be less than three *for the voters qualified to vote at such voting place*. No persons other than the election officers and voters admitted as hereinafter provided, shall be permitted within the said rail, except by authority of the election officers for the purpose of keeping order and enforcing the law. Each voting shelf or compartment shall be kept provided with proper supplies and conveniences for marking the ballots," be amended to read as follows:

SECTION 19. The county commissioners of each county shall provide for each election district therein at each election a room large enough to be fitted up with voting shelves and a guard rail as hereinafter provided. If in any district no such room can be rented or otherwise obtained, the said commissioners shall cause to be constructed within such district a temporary room of adequate size to be used as a voting room. *Every room used as a voting room shall be on the ground floor, shall have at least one window looking out upon the highway at the front of the building in which the polling place may be located, and shall contain at least two hundred square feet of floor space.* The said commissioners shall cause each of said rooms to be suitably provided with heat and light, and with *at least the number of voting compartments hereinafter specified* in which voters may conveniently mark their ballots, with a curtain, screen or door at the upper part of the front of each compartment, so that in the marking of their ballots the voters may be screened from the observation of others, and a guard-rail shall be so constructed and placed that only such persons as are inside said rail can approach within six feet of the ballot box and of such voting shelves or compartments. *Such guard rail shall not consist merely of a rope or chain,*

but shall be of rigid construction. The number of voting compartments shall not be less than one for every seventy-five names on the assessor's list, and shall not in any case be less than three. The polling place shall be so arranged that neither the ballot-box nor the front of the voting compartment shall be concealed from the view of those just outside the guard-rail. No persons other than the election officers and voters as hereinafter provided shall be permitted within the said rail, except police officers who may be admitted by authority of the election officers for the purpose of keeping order and enforcing the law. Each voting shelf or compartment shall be kept provided with proper supplies and conveniences for marking the ballots.

TABLE OF CONTENTS

I. QUALIFICATION OF ELECTORS

A. General Provisions

1. Proof of naturalization and payment of tax.
2. Councils to fix amount of poll tax in Philadelphia.
3. Poll tax to be assessed by canvassers.
4. Tax receipts to be numbered.
5. Tax collectors to report to County Commissioners.
6. Report to be kept for public inspection.
7. Penalty for failure to make report.

B. Assessors

8. Election in districts other than boroughs and townships.
9. To perform only duties incident to elections.
10. Election in boroughs and townships.
11. When borough is divided into wards.
12. Duties of assessors in boroughs and townships.
13. In case of vacancy County Commissioners to appoint.
14. Term of appointees.
15. Compensation of assessors.
16. Assistant assessors.
17. Prothonotary to certify names of persons elected to County Commissioners.
18. Assessors to attend elections in boroughs and townships.
19. Power to administer oaths.

C. Assessors' Lists. Registration of Voters in Boroughs and Townships

20. How lists to be prepared.
21. To be known as Original Registry List. Contents.
22. Registration of naturalized persons and persons voting on age.
23. Copy of list to be placed on door of voting place. Registration on personal application.
24. Correction of lists.
25. Assessors to sit at their residence where no permanent polling place.
26. County Commissioners to make up list of voters.
27. Qualification of unregistered voters.
28. Qualification of challenged voter.

D. Personal Registration in Cities of First and Second Class

29. Definitions.
30. Board of Registration Commissioners.
31. Organization.

32. Registrars.
33. Petitions for appointment.
34. Three Commissioners to approve appointments.
35. Powers of Commissioners. Compensation of registrars.
36. Registration days.
37. Form of registers.
38. Instructions.
39. Manner of recording answers.
40. Persons entitled to register.
41. Challenges.
42. Revision of registers. Registration of persons removing.
43. Watchers.
44. Number of persons allowed in room.
45. Certificate of registrars.
- 46, 47. Street lists.
48. Complaints to Board of Registration Commissioners.
49. Appeals.
50. Illness or absence on registration days.
51. Custody of registers.
52. Duties of County Commissioners.
53. Right to vote.
54. Ballot and voting check lists.

E. Personal Registration in Cities of Third Class

55. Appointment of registrars.
56. Removal.
57. Petitions for appointment.
58. Hearing.
59. Compensation.
60. Registration days.
61. Illness or absence on registration days.
62. Form of registers.
63. Instructions.
64. Manner of recording answers.
65. Persons entitled to register.
- 66, 67. Challenge.
68. Revision of registers.
69. Watchers.
70. Number of persons allowed in room.
71. Certificate of registrars.
72. Complaints to County Commissioners.
73. Appeals.
74. Custody of registers.
75. Duties of County Commissioners.
76. Right to vote.
77. Ballot and voting check lists.

II. METHODS OF NOMINATION

A. Uniform Primaries

78. Date of primary. Scope of act.
- 79, 80. Provisions mandatory. Exceptions.
81. Secretary of Commonwealth to furnish County Commissioners list of offices to be voted for.
82. Chairman of State Committee to furnish list of delegates to be elected.
83. Chairman of County Committee to furnish list of party officers to be elected.
84. County Commissioners to publish lists.
85. County Commissioners to prepare ballots.
86. Form of ballot.
87. Arrangement of names.
88. Delegates may indicate candidates they will support in convention.
89. Petition to place name on ballot.
90. Filing.
91. Number of signers.
92. Secretary of Commonwealth to forward list of candidates to County Commissioners.
93. Forms of ballot to be on file.
94. County Commissioners to prepare ballots.
95. Sample ballots.
96. Delivery of ballots.
97. Ballot boxes, supplies, etc.
98. Election officers.
99. Polling hours. Liquor selling.
100. Conduct of primary. Assistance.
101. Expense of primary.
102. Qualification of voters.
- 103, 4. Challenge.
105. Custody of ballot boxes, etc.
106. Canvassing the vote.
107. Recount.
108. Certificate of persons nominated.
109. Candidates nominated by convention.
110. Vote required to nominate.
111. Party officers.
112. Tie vote.
113. Vacancies.
114. Watchers. Overseers.
115. Police officers not to be within 100 feet of polling place.

B. Nomination by Convention and Nomination Papers

116. Nomination by convention.
117. By nomination papers. Adoption of party name

118. Contents of nomination papers. Restrictions on use of party name.
119. Filing certificates of nomination and nomination papers.
120. Objections. Amendments.
121. Withdrawal.
122. Vacancies occurring after last day for nomination.
123. Papers to be open for public inspection.
124. List of nominees to be certified to County Commissioners and Sheriff.
125. Nomination in case of death or withdrawal of candidate.
126. Objections to substitute nominations.
127. Placing name of substitute on ballot.

III. FORM OF BALLOT

128. Presidential electors.
129. Party name.
130. Presidential square.
131. Candidates for other offices.
132. Candidates receiving more than one nomination.
133. Blanks for insertion of other names.
134. Constitutional amendments and other questions.
135. Method of marking. Party square.
136. Instructions.
137. Ballots to be uniform.
138. Correction of mistakes.

IV. CONDUCT OF ELECTIONS

A. General Provisions

139. Special and local elections to be conducted in same manner as general elections.
140. Election day to be a legal holiday.
141. Voters to vote only in district of domicile.
142. Troops not to be present at elections.
143. Sheriff's proclamation.
144. To be published in German newspaper.
145. Coroner to give notice when Sheriff unable to.
146. Constable to give notice of township elections.
147. High constable to give notice of borough elections.

B. Election Districts

148. Division of townships.
149. Appointment of commissioners.
150. Confirmation of report.
151. Consolidation of adjoining districts.
152. Procedure.
153. Compensation of commissioners.

154. Costs to be paid by county.
155. Courts to fix place for holding elections and appoint election officers.
156. Method of changing polling place. By Court of Quarter Sessions.
157. By County Commissioners.
158. By Judge in chambers.
159. By Governor.
160. Elections not to be held in saloons.

C. Election Officers

161. All elections to be conducted by election officers.
162. May be re-elected in Philadelphia.
163. Terms of office.
164. Each voter to vote for one judge and one inspector.
165. Vacancies.
166. Tie vote.
167. Organization of board.
- 168, 9. Appointment in case of failure to attend.
170. Settlement of disputes between election officers.
171. When inspectors are of same party.
172. Election officers to be sworn.
173. Form of inspectors' oath.
174. Form of judges' oath.
175. Form of clerks' oath.
176. Additional oath.
177. To be executed in duplicate.
178. Power to administer oaths.
179. Determination of qualification of voters.
180. Overseers.
181. Compensation of election officers.
182. Compensation of constables, etc., for advertising and attending election.

D. Distribution of Ballots and Voting

183. Cost of printing, etc., to be county charge.
184. County Commissioners to print ballots.
185. Record of number of ballots.
- 186-8. County Commissioners to furnish ballots and election supplies.
189. City Commissioners in Philadelphia.
190. How ballots to be packed.
191. Delivery to judges of election.
192. Judges may be required to call for ballots.
193. In case ballots are lost.
194. County Commissioners to provide voting rooms. Arrangement.
195. Townships may erect building for holding elections.
196. County Commissioners to fix compensation for use of room, etc.
197. Polling hours.

198. Cards of instruction and specimen ballots.
199. One inspector to have charge of ballot check list and other of voting check list.
- 200-5. Method of voting.
206. Assistance of voters.
207. Record of persons voting.
208. Spoiled ballots.
209. Miscellaneous provisions.
210. Improperly marked ballots.
211. Disposition of defective or improperly marked ballots.
212. What memoranda may be kept in polling place.

E. Canvassing the Vote

213. Lists of voters, ballot stubs and unused ballots to be sealed.
214. Method of counting.
215. Count to be public.
216. Peace officers to remain in room during count.
217. Ballot box to be deposited with nearest justice of the peace.
218. Penalty for refusal of justice of peace to receive ballot box.
219. Disposition of ballot boxes where place is provided for safe keeping.
220. Fire proof vault to be provided in Philadelphia.
221. Returns to be filed with Prothonotary, and laid before Court of Common Pleas.
222. Court of Common Pleas to make up returns for county.
223. And send certificate of election to persons elected.
224. Disposition of returns.
225. Computation of returns where two or more counties compose a district.
226. Returns of township and borough elections.
227. Where township or borough is divided.
228. Certificates of election.
229. Mileage allowed election judges for delivering returns.
230. Mileage allowed return judges.
231. Returns not received in time to be void.
232. Prothonotary to transmit returns to Secretary of Commonwealth.
233. Prothonotary to certify list of voters and other papers on payment of fees.
234. Secretary of Commonwealth to notify Prothonotary if returns not received.
235. Returns for township and county officers to be laid before Governor and returns for Senators before Senate.
236. Returns for Representatives to be laid before House.
237. Returns for Governor to be laid before Senate.
- 238, 9. Computation of returns for Treasurer and Auditor-General when Legislature not in session.
240. Returns for Presidential electors.

- 241. Meeting of Presidential electors. Filling vacancies.
- 242. Compensation.
- 243. Returns for Representatives in Congress.

F. Duties of Peace Officers

- 244. To preserve peace at polls.
- 245. To report disorder to Court of Quarter Sessions.
- 246. Court to examine constables under oath.
- 247. Sheriff of Philadelphia not to appoint deputies at elections.

V. ELECTION CRIMES AND PENALTIES

A. Offenses Against Personal Registration Laws

- 248. Disobeying order of Registration Commissioners.
- 249. Permitting false registration or preventing lawful registration.
- 250. Attempting false registration.
- 251. Altering register.
- 252. Refusing vote of registered voter or receiving vote of unregistered voter.
- 253. Failure to perform duties imposed by Personal Registration Act.
- 254. Perjury.

B. Offenses Against Uniform Primary Law

- 255. Fraudulent voting at primary.
- 256. Receiving fraudulent vote or refusing lawful vote.
- 257. Fraud.
- 258. Offenses under general election laws.

C. Offenses of Election Officers

- 259. Failure to attend election.
- 260. Refusal to serve.
- 261, 2. Failure to take oath.
- 263. Fraud.
- 264. Failure to require proof of qualification of unregistered or challenged voters.
- 265. Rejecting legal vote or receiving fraudulent vote.
- 266. Unfolding ballots.
- 267. Disclosing how voter voted.
- 268. Miscellaneous offences.
- 269. Intoxication.

D. Miscellaneous Offenses

- 270. Defacing list of voters. Interfering with overseers.
- 271. Stealing official ballot or printing false ballot.
- 272. Having official ballot outside voting room.

- 273, 4, 5. Payment of fees for naturalization.
276. Issuing false naturalization certificate.
277. Obtaining naturalization certificate by false oath.
278. Use of false certificate.
279. Assessing tax within 61 days of November election.
280. Violating secrecy of ballot. False declaration of inability.
281. Omitting names from list of taxables.
282. Adding names.
283. Failure of constables or supervisors to perform duties.
284. Payment of tax for others without written order.
285. Assessment of office holders for political purposes by committees.
286. By officers or heads of departments.
287. By office holders in cities of first class.
288. Bribery by candidate to procure nomination.
289. Receiving bribe at primary.
290. Solicitation by voter.
291. By delegates.
292. By members of party committee or of return board at primary.
293. Bribing member of committee or of return board at primary.
294. Offering or receiving bribe at election.
295. Intimidation and threats.
296. Corrupt solicitation of public officers.
297. Embezzling or altering election papers.
298. Defacing certificates of nomination or filing false certificates, or forging or destroying ballots.
299. Destroying list of candidates, or cards of instruction, or specimen ballots.
300. Obstructing conduct of election.
301. By persons outside their own polling district.
302. Electioneering by persons not qualified to vote.
303. Assault and battery near polls.
304. Fraudulent voting at primaries.
305. Furnishing false ballots.
306. Attempt to vote by person not a citizen.
307. Persuading such person to vote.
308. Voting by unqualified person, or procuring such person to vote.
309. Repeating.
310. Issuing false receipt or certificates.
311. Failure of public officer to perform duty.
312. Failure of constable to report disorder.
313. Selling liquor on election day.
314. Constable to report violations.
- 315, 16. Wagering on elections.
317. Suit by overseers of the poor.
318. Libel of candidates.
319. Parading after dark in Philadelphia within 10 days of election.
320. City employees in cities of first class taking active part in campaign.

VI. REGULATION OF ELECTION EXPENSES

- 321. Definitions.
- 322. Moneys to be received and disbursed only through treasurer.
- 323. Campaign contributions.
- 324. Lawful expenses.
- 325. Accounts.
- 326. Vouchers.
- 327. Filing.
- 328. Oath of office not to be administered until account filed.
- 329. Accounts to be open to public inspection.
- 330. Audit of accounts.
- 331. Appeal. *Quo warranto*.
- 332. Criminal proceedings.
- 333. Compelling testimony of witnesses.
- 334. County Commissioners to furnish necessary blank forms.
- 335. Penalty for violation of act.

VII. ELECTION CONTESTS

- 336. Classification of contests.
- 337. Contests of first class.
- 338. Petition to President of Senate.
- 339, 40. Selection of committee.
- 341. Challenges.
- 342. Remaining names to be drawn and read.
- 343. Striking names.
- 344. Members not to leave conference.
- 345. Names of committee to be delivered to President of Senate.
- 346. Time and place of meeting of committee.
- 347. When members may be excused from serving.
- 348. Chief Justice to preside.
- 349. Sittings of committee.
- 350. Attendance and examination of witnesses.
- 351. May compel unqualified voter to disclose how he voted.
- 352. Proceedings of committee.
- 353. Report to be conclusive.
- 354. In case of invalid election new election to take place.
- 355. Contests of second class to be decided by Common Pleas of Dauphin County.
- 356. Decision of Court.
- 357. Contests of third class.
- 358. Petition to Attorney-General. Composition of court.
- 359. When district contains more than one Common Pleas Court.
- 360. Appeals to Supreme Court.
- 361. How taken.
- 362. Court below to state findings of fact and conclusions of law.
- 363. Judgment of Supreme Court.
- 364. Contested elections of Senators and Representatives.

- 365. Petition to Court of Common Pleas.
- 366. Attendance of witnesses and production of papers.
- 367. Judgment of the Court.
- 368. Revision by Senate or House of Representatives.
- 369. Contests of fourth class to be tried by Quarter Sessions.
- 370. Attendance of witnesses and production of papers.
- 371. Time for taking testimony.
- 372. Payment of costs accruing after expiration of time limit.
- 373. Compensation of witnesses and officers.
- 374, 5. Liability for costs.
- 376. Apportionment of costs.
- 377. Stenography and printing.
- 378. When judge incompetent. Power of Court.
- 379. Procedure.
- 380. Compelling testimony of witnesses.
- 381. Commission to issue pending contest.
- 382. Filling vacancy in case of invalid election.
- 383. In Philadelphia Court may appoint receiver.
- 384. Receiver's account.
- 385. Investments.
- 386. Court may issue commission and appoint examiners.
- 387. Costs.
- 388. Enforcement of decree.

A Codification
of the
Election Laws of Pennsylvania

as they now are, except as necessarily modified
by the Constitutional Amendments of 1909

I. QUALIFICATION OF ELECTORS

A. GENERAL PROVISIONS

1 In all elections hereafter the certificate of naturalization, if genuine, shall be conclusive evidence of the facts mentioned therein; and where the person offering to vote claims the right on the payment of tax, the receipt for such tax, if signed by the proper officer, shall be the evidence thereof; if such person does not produce such receipt, then the payment of the tax may be proved by the oath of such person, or other evidence, stating when, where and to whom such tax was paid. (Act 1874, Sec. 3, P. L. 45.)

Evidence
Certificate of Nat-
uralization
Tax receipts

2 It shall be the duty of the Councils of the City of Philadelphia to fix the amount of county tax to be assessed personally and annually on the qualified electors of the said city, at a rate sufficient to provide for the payment of all election expenses in the said city, and no part of said tax assessed and collected shall be applied to any other purpose; and the said Councils shall appropriate annually a sufficient sum for said purposes. And the city commissioners shall furnish all the books, blanks, stamps, stationery and materials necessary for the purposes of this Act, which shall be paid out of the appropriations to be made as aforesaid. (Act 1869, Sec. 41, P. L. 65.)

Councils to fix
amount of poll
tax in Phila.

Poll tax in Philadelphia to be assessed by canvassers

3 The assessors of the city of Philadelphia shall not assess any poll or personal tax for election purposes, but all such tax shall be assessed, in the several election divisions in the said city, by the canvassers of said divisions, and shall be paid to the receiver of taxes of the said city, or to his agents specially appointed by him to receive the same: Provided, That owners of real estate or personal property, who shall have paid a State or county tax upon the same, within two years of any election, which shall have been assessed at least sixty days before such election, shall not be required to pay any additional tax to entitle them to the privilege of electors. (Act April, 1870, Sec. 4, P. L. 54.)

Tax collectors to furnish numbered receipts

4 Tax collectors of townships and boroughs of the Commonwealth shall furnish each person, on the payment of taxes, with a numbered receipt setting out date, name of taxpayer, amount of tax and district in which taxpayer is assessed, from a book to be furnished by the county commissioners containing a stub. On the stub a memoranda shall be made in ink of the number of the receipt, the date, name of taxpayer, amount of tax and district in which taxpayer is assessed. (Act 1895, Sec. 1, P. L. 296.)

Report to County Commissioners

5 Twenty days before each election the tax collector of townships and boroughs shall send a sheet to the office of the county commissioners containing the number of each receipt issued, date of payment, name of taxpayer, amount of tax and district in which taxpayer is assessed for the period since the last report. (Act 1895, Sec. 2, P. L. 296.)

Reports to be public

6 The commissioners are hereby directed to have such reports of taxpayers bound and kept for public inspection. (Act 1895, Sec. 3, P. L. 296.)

Penalty

7 Any tax collector failing to comply with the provisions of this act shall be guilty of a misdemeanor, to be fined not more than two hundred dollars, or imprisoned not more than one year, or both, at the discretion of the court. (Act 1895, Sec. 4, P. L. 296.)

B. ASSESSORS

8 There shall be elected in each election district, except in boroughs and townships, a properly qualified person for assessor, who shall serve for two years. (Act 1874, Sec. 15, P. L. 39.)

In districts other than boroughs and townships

9 The assessors so elected shall be assessors only to perform such duties as are now required by law of assessors incident to the holding of elections and registration of voters, and the office of assessor for the purpose of valuation with all the duties incident thereto shall continue and remain as now provided by law. (Act 1874, Sec. 1, P. L. 44.)

Assessors to perform only duties incident to elections

10 The qualified voters of every borough and township in the Commonwealth of Pennsylvania, shall vote for and elect a properly qualified person for assessor in each of said districts, who shall serve for four years. (Act 1889, Sec. 1, P. L. 7.)

In townships and boroughs

11 When any borough has been or shall be divided into wards, the qualified voters of each of such wards shall severally elect a properly qualified person as assessor for said ward, who shall likewise serve for four years. (Act 1889, Sec. 1, P. L. 133.)

In wards of boroughs

12 The assessors elected in Townships and Boroughs shall perform all the duties of assessors under the laws of this Commonwealth, as well those relating to elections as to the valuation of property. (Act 1889, Sec. 2, P. L. 133.)

Duties

13 If the electors of any district shall fail to choose an assessor at the time appointed by law, or if any person elected to such office shall neglect or refuse to serve therein, or if any vacancy shall happen therein, by death or otherwise, the commissioners of the county shall appoint a fit person to fill the office, who shall have the same powers,

In case of vacancy, Commissioners to appoint

be subject to the same penalties, and receive the same compensation, as if he had been elected in manner aforesaid. (Act 1834, Sec. 87, P. L. 553.)

Term of assessors
so appointed

14 Whenever the commissioners of any county shall, under existing laws, appoint a person to fill the office of assessor, such person shall serve until the next election for assessors, as provided by this act. (Act 1889, Sec. 4, P. L. 7.)

Compensation of
Assessors

15 The assessors shall each receive the same compensation for the time necessarily spent in performing the duties hereby enjoined as is provided by law to assessors making valuations, to be paid by the county commissioners as in other cases. (Act 1874, Sec. 18, P. L. 40.)

Assistant Asses-
sors

16 The qualified voters of every election district in boroughs and townships in the Commonwealth of Pennsylvania wherein more than one election district is authorized, and where but one assessor for valuation of taxable property resides in the borough or township having more than one election district shall elect a properly qualified person for assistant assessor in each of said election districts to serve for two years, who shall perform all the duties relating to elections now required to be performed by assessors in boroughs and townships having but one election district. In case of a vacancy in said office, the court of quarter sessions, or any judge of the said court of the same county shall appoint a person to fill such vacancy. (Act 1891, Sec. 1, P. L. 298.)

Vacancies

Names to be cer-
tified to County
Commissioners

17 The prothonotary of the court of common pleas of every county within this Commonwealth shall, within fifteen days after the township elections, in each year, are returned into his office make out, certify and deliver, under his hand and seal of office, to the commissioners of his proper county, a list of the names of the persons elected to the offices of assessor and assistant assessors, and the names of the wards, townships, incorporated districts and boroughs, within their

respective counties, for which they were respectively elected; and shall be allowed therefor the usual fees for equal or similar services, to be paid out of the county treasury. (Act 1840, Sec. 9, P. L. 686.)

18 It shall be the duty of said assessors respectively in boroughs and townships to attend at the place of holding every general, special or township election, during the whole time said election is kept open, for the purpose of giving information to the inspectors and judge, when called on, in relation to the right of any person assessed by them to vote at such election, or such other matters in relation to the assessment of voters, as the said inspectors or judge, or either of them, shall from time to time require; for which attendance said assessor shall be entitled to the sum of one dollar per day, to be paid as officers of election are paid by law; and when the township is divided for which said assessor is elected, he shall attend at the election district in which he resides, and is entitled to vote. (Act 1839, Sec. 59, P. L. 531.)

To attend elec-
tions

19 The assessors shall have the power to administer oaths to any person claiming the right to be assessed, or the right of suffrage, or in regard to any other matter or thing required to be done or inquired into by any of said officers, under this act; and any wilful false swearing by any person in relation to any matter or thing concerning which they shall be lawfully interrogated by any of said officers or overseers, shall be perjury. (Act 1874, Sec. 17, P. L. 40.)

To administer
oaths

C. ASSESSORS' LISTS. REGISTRATION OF VOTERS IN BOROUGHs AND TOWNSHIPS

20 For the purpose of making the original annual assessment and registration of voters in each of the election districts of this Commonwealth, it shall be the duty of each of the assessors, who are required to perform any of the duties

Assessors lists
How prepared

incident to the holding of elections and the registration of voters in the different election districts of this Commonwealth, to visit in person each and every dwelling house in his district on the first Monday in May and on the first Monday in December of each year, or as soon thereafter as may be possible and practicable, when all of said dwelling houses cannot be personally visited by him on the said first Monday of May and on the first Monday in December, and to make a list in a book prepared for that purpose by the county commissioners, of all the qualified electors that he shall find, upon careful and diligent inquiry, to be bona fide residents of his district, together with the date when such dwelling house was visited by the assessor, entering them in such book in the order in which such dwelling houses are visited; and the qualified electors in each dwelling house being grouped together, and if in a city or town, the names of the qualified electors shall be grouped together by streets, alleys or courts, and the persons so found to be legally qualified electors shall forthwith be assessed; the assessor shall, in all cases, personally ascertain by careful and diligent inquiry of the voter or of some known resident of the election district in which the voter claims the right to vote, upon what ground each person so assessed claims to be a legally qualified voter. (Act 1891, Sec. 1, P. L. 134.)

To be known as
Original Registry
Lists

21 The list thus prepared shall be designated and known as the "Original Registry List." It shall be the duty of the said assessor to enter in said "Original Registry List" the names of the male citizens, twenty-one years of age and upwards, claiming to be qualified voters in the election district of which he is the assessor; and opposite each of said names state whether said citizen is or is not a housekeeper, and if he is, the number of his residence in cities or towns where the same are numbered, with the street, alley or court in which situated, and if in a city or town where there are no numbers, the name of the street, alley or court on which said house fronts; also the occupation of the person at the

What to contain

date of such assessment, and where he is not a housekeeper, the occupation, place of boarding and with whom at the date of his assessment; and if working for another, the name of the employer; and write opposite each of said names the word "voter." (Act 1891, Sec. 1, P. L. 134.)

22 Where any person claims to vote by reason of naturalization, he shall exhibit his certificate thereof to the assessor, unless he has been for two consecutive years next preceding, a voter in said district; and in all cases where the person has been naturalized, the name shall be marked with the letter "N;" where the person has merely declared his intentions to become a citizen and designs to be naturalized before the next election, he shall exhibit the certificate of his declaration of intention and the name shall be marked "D. I.;" and where the person shall be entitled by existing laws to be naturalized without making a declaration of his intentions to be naturalized, and intends to be naturalized at least one month before the next general election, the name of such person shall be marked "I. N.;" where the claim is to vote by reason of being of the age of twenty-one years and under twenty-two, as provided by law, the word "age" shall be entered, and if the person has moved into the election district to reside since the last general election, the letter "R" shall be placed opposite the name. (Act 1891, Sec. 1, P. L. 134.)

Naturalized
persons

Persons voting on
age

23 It shall be the duty of the said assessor to forthwith make a copy of the said original list, with the observations and explanations required to be noted as aforesaid, to be made out as soon as practicable. It shall be his duty on or prior to the fourth Monday of May and on or prior to the second Monday of December in each year, to place a copy on the door of, or on the house where the election of the respective district is required to be held, and retain the original list in his possession for the inspection, free of charge, of any person resident in the said election district who shall desire to see the same; and it shall be the duty of

Copy of list to be
placed on door of
voting place

Assessment on
personal applica-
tion

the said assessor to assess, from time to time, on the personal application of any one claiming the right to vote, the name of such claimant, and mark opposite the name "C. V.," and immediately assess him, noting as in all other cases his occupation, residence, the date of his assessment, whether a boarder or housekeeper; if a boarder, with whom he boards, and whether naturalized or designing to be, marking in all cases opposite the name the letter "N.," "D.," or "I. N.," as the case may be; if the person claiming to be assessed, be naturalized, he shall exhibit to the assessor his certificate of naturalization; and if he claims that he designs to be naturalized before the next ensuing election, he shall exhibit the certificate of his declaration of intention, if such previous declaration is required by the laws of the United States. (Act 1895, Sec. 1, P. L. 75.)

Correction of lists

24 It shall be the duty of the said assessor to be present at the election house of the said election district, during the two secular days next preceding the day fixed by the 26th section of this Code for returning the list to the county commissioners, from ten ante meridian to three post meridian, and from six post meridian to nine post meridian, of each of said days, for the purpose of hearing and acting upon applications to be made under the provisions of this section, or relating to names upon said list, or that are sought to be placed thereon, or struck therefrom; and it shall be his duty to correct said original list by adding thereto upon personal application the names of persons entitled to vote not already thereon, and by striking therefrom fictitious names, or names of persons who may have died or removed from said district; and in all cases it shall be the duty of the said assessor to enter in his book, opposite the name of each voter, the name or names of the person or persons, together with the residence of the same, who shall furnish information as to the residence and qualifications of each voter who has been assessed, or as to the persons whose names shall be stricken from said original list; and the said original list shall be open for inspection by any qualified elector of the

county or ward in which the election district is situated, as well as by the persons claiming to be registered; and the court of common pleas of the proper county, or any law judge thereof at chambers, on the application of any qualified elector of the ward or county under oath, which oath may be made at any time before the day of election, shall call the assessor and the complainant before it or him by citation or rule to show cause, and shall hear the parties and dispose of the subject in a summary manner, as to law and justice shall belong, and shall, if need be, order the assessor to correct the registry accordingly, and the said court or judge may enforce such order by attachment as in proceedings for contempt. (Act 1895, Sec. 1, P. L. 75.)

Application to
Court of Com-
mon Pleas

25 It shall be the duty of the assessor in all voting districts or precincts of this Commonwealth where temporary voting places are or may be established, to be present at his place of residence in said election district or precinct during the two secular days next preceding the day fixed by the 26th section of this Code for returning the list to the county commissioners, from 10 a. m. to 3 p. m. and from 6 p. m. to 9 p. m. of each of said days, to perform all the duties as set forth in the 24th section of this Code. (Act 1893, Sec. 1, P. L. 455.)

Assessors to sit at
their residences
where no
permanent
polling place

26 After the assessments have been completed on the sixty-second day before the third Tuesday of February, and on the sixty-second day before the Tuesday next following the first Monday of November in each year, the assessor shall, on the following day, make a return to the county commissioners of the "Original Registry List" thus revised and completed, and the county commissioners shall thereupon proceed to make out a complete list in alphabetical order of all persons so returned as taxables in said election district, and furnish the same, together with the necessary election blanks, to the officers of the election in such election district, on or before seven o'clock in the morning of the election; and no man shall be permitted to vote at the

Lists to be re-
turned to Commis-
sioners

Commissioners to
make list of voters

Right to vote

election on that day whose name is not on said list, unless he shall make proof of his right to vote as hereinafter required. "The Original Registry List," as returned to the county commissioners preceding the November election, shall be returned by the county commissioners to the assessor before the first Monday of December, which shall be used by said assessor to make his original registry list for December as heretofore provided. (Act 1895, Sec. 3, P. L. 78.)

Qualification of
unregistered
voters

27 On the day of election any person whose name shall not appear on the registry of voters, and who claims the right to vote at said election, shall produce at least one qualified voter of the district as a witness to the residence of the claimant in the district in which he claims to be a voter, for the period of at least two months immediately preceding said election, which witness shall be sworn or affirmed and subscribe a written or partly written and partly printed affidavit to the facts stated by him, which affidavit shall define clearly where the residence is of the person so claiming to be a voter; and the person so claiming the right to vote shall also take and subscribe a written or partly written and partly printed affidavit, stating, to the best of his knowledge and belief, when and where he was born; that he has been a citizen of the United States for one month and of the Commonwealth of Pennsylvania; that he has resided in the Commonwealth one year, or, if formerly a qualified elector or a native born citizen thereof, and has removed therefrom and returned, that he has resided therein six months next preceding said election; that he has resided in the district in which he claims to be a voter for the period of at least two months immediately preceding said election; that he has not moved into the district for the purpose of voting therein; that he has, if twenty-two years of age or upwards, paid a State or county tax within two years, which was assessed at least two months and paid at least one month before the election. The said affidavit shall also state when and where the tax claimed to be paid by the affiant was assessed, and

when and where and to whom paid; and the tax receipt therefor shall be produced for examination, unless the affiant shall state in his affidavit that it has been lost or destroyed, or that he never received any; and if a naturalized citizen shall also state when, where and by what court he was naturalized, and shall also produce his certificate of naturalization for examination. But if the person so claiming the right to vote shall take and subscribe an affidavit that he is a native-born citizen of the United States, or, if born elsewhere, shall state the fact in his affidavit, and shall produce evidence that he has been naturalized or that he is entitled to citizenship by reason of his father's naturalization, and shall further state in his affidavit that he is, at the time of making the affidavit, of the age of twenty-one and under twenty-two years; that he has been a citizen of the United States one month, and has resided in the State one year; or, if a native-born citizen of the State and removed therefrom and returned, that he has resided therein six months next preceding said election, and in the election district two months immediately preceding such election, (and) he shall be entitled to vote, although he shall not have paid taxes. The said affidavits of all persons making such claims and the affidavits of the witnesses to their residence shall be preserved by the election board, and at the close of the election they shall be inclosed with the list of voters, tally-list and other papers required by law to be filed by the return judge with the prothonotary, and shall remain on file therewith, in the prothonotary's office, subject to examination as other election papers are. If the election officers shall find that the applicant possesses all the legal qualifications of a voter he shall be permitted to vote, and his name shall be added to the list of taxables by the election officers, the word "tax," being added where the claimant claims to vote on tax and the word "age," where he claims to vote on age, the same words being added by the clerks in each case, respectively, on the lists of persons voting at such election. Provided, That in case any person is allowed to vote at an election, who is not registered, but makes an affidavit which

Voting on age

Affidavits to be preserved and filed with Prothonotary

by reason of the failure to fully observe the requirements of this section is insufficient, in any contest growing out of said election it shall be lawful to correct any mistakes or supply any deficiencies in such affidavit, so as to show that the said person was in fact a qualified voter; but this shall not apply to non-registered voters who make no affidavit, or one which makes no attempt to comply with the law. (Act 1899, Sec. 1, P. L. 254.)

Correction of
affidavits

Challenges

28 It shall be lawful for any qualified citizen of the district, notwithstanding the name of the proposed voter is contained on the list of resident taxables, to challenge the vote of such person, whereupon the same proof of the right of suffrage, as is now required by law, shall be publicly made and acted on by the election board, and the vote admitted or rejected, according to the evidence. Every person claiming to be a naturalized citizen shall be required to produce his naturalization certificate, at the election, before voting, except where he has been for five years consecutively a voter in the district in which he offers his vote; and on the vote of such person being received, it shall be the duty of the election officers to write or stamp on such certificate the word "voted," with the day, month and year; and if any election officer or officers shall receive a second vote on the same day, by virtue of the same certificate excepting where sons are entitled to vote, because of the naturalization of their fathers, they and the person who shall offer such second vote shall be guilty of a misdemeanor, and on conviction thereof, shall be fined or imprisoned, or both, at the discretion of the court; but the fine shall not exceed five hundred dollars in each case, nor the imprisonment one year. The like punishment shall be inflicted, on conviction, on the officers of election who shall neglect or refuse to make, or cause to be made, the indorsement required as aforesaid on said naturalization certificate. (Act 1874, Sec. 11, P. L. 36.)

Naturalization cer-
tificate to be
produced and
stamped

Penalty

The provisions of Sections 27 and 28 shall not apply in cities of the First, Second and Third Class in so far as they conflict with the provisions of Sections 29 to 77 of this Code.

30½ In the case of consolidation of two or more cities, under the laws of the Commonwealth, the Boards of Registration Commissioners of said cities, provided for and appointed in accordance with an act, entitled "An Act to provide for the personal registration of electors in cities of the first and second classes of this Commonwealth, to make such registration a condition of the right to vote in such cities, and to provide penalties for the violations of its provisions," approved the seventeenth day of February, Anno Domini one thousand nine hundred and six, shall remain in office and continue their functions until the expiration of the term for which they were appointed, each Board of Registration Commissioners remaining in charge of the municipal territory for which it was appointed. (Act 1907, Section 1, P. L. 394.)

Registration Commissioners. Jurisdiction upon consolidation of two or more cities.

D. PERSONAL REGISTRATION IN CITIES OF THE FIRST AND SECOND CLASSES

29 "Commissioners," as used herein, has reference to **Definitions** Registration Commissioners; "oath" includes affirmation, and "swear" includes affirm, wherever used. All references to public officers or municipal authorities, where not otherwise specified, shall be understood to refer to the authorities of the proper county or judicial district. "Party," as used herein, has reference to a political party which, at the last election, polled two per centum of the vote cast in any city or election district for the candidate receiving the largest vote therein. "Register" means the book containing, or to contain, the registry list of electors, prepared by the registrars. (Act 1906, Sec. 2, P. L. 49.)

30 The Governor of the Commonwealth shall, not later than June 15, in every third year appoint a Board of Registration Commissioners for each of said cities (of the first and second classes), consisting of four duly qualified electors of said city, not more than two of whom shall be members of the same party. The commissioners shall hold office for a term of three years, or until their successors qualify. Any commissioner may be removed for cause, by the Governor. Any vacancy in a Board of Commissioners shall be filled **Board of Registration Commissioners.** **Terms** by the Governor, within ten days after the vacancy occurs, and the person appointed to fill such vacancy shall hold office during the remainder of the term of the commissioner in whose place he was appointed. All appointments shall be so made that at no time shall more than two commissioners belong to the same party. Commissioners in cities of the first class, shall receive a compensation at the rate of three thousand dollars per annum; in cities of the second class, at the rate of two thousand dollars per annum; said compensation shall be paid by the treasurer of the proper county. (Act 1906, Sec. 3, P. L. 49.) **Vacancies** **Not more than two of same party** **Compensation**

Organization	31 As soon after their appointment as may be, the commissioners shall organize by selecting a chairman and a secretary, who shall not be members of the same party. The concurrence of three commissioners shall be necessary to any affirmative action, except as may be otherwise provided herein. The commissioners shall keep a record, in permanent form, of all their proceedings. Their records shall be open to the public at all reasonable times; and they shall make an annual report to the Governor. They shall have power to administer oaths. (Act 1906, Sec. 4, P. L. 50.)
Record	
Annual report to Governor	
Registrars	32 The commissioners shall, not later than August fifteenth of each year, appoint four registrars for each election district, as herein provided. The registrars must be duly qualified electors of the said district, and shall have been residents of the city for a period of two years, and of the ward for one year, immediately preceding their appointment. They must be sober and judicious persons, of good moral character, able to read intelligently and to write legibly. Two of the registrars shall be members of the party polling the highest vote within the election district at the last preceding election, and two shall be members of the parties polling the next highest number of votes. The commissioners shall provide at all times a Board of Registrars, not more than two of whom shall be of the same political faith. If, therefore, it appears at any time that, by reason of a change in political affiliations or because of error in the appointment, a Board is not so divided, any ten electors of the ward may file a petition with the commissioners, setting forth the facts, and praying that one or more of the appointments may be revoked, and that other appointments may be made. The commissioners shall grant a public hearing, and, if they find the facts to be as represented, shall give the relief asked for; but no registrar shall be removed merely because his party, at an election following his appointment, has polled a less number of
Qualification	
Removal upon petition to Commissioners	

votes in the district than two other parties. No person who holds, or is a candidate for, public office shall act as registrar. Two of the said registrars, one of whom shall be of the majority party, shall be designated by the commissioners to have charge of the voting check list, as hereinafter provided. (Act 1907, Sec. 1, P. L. 395.)

33 The names of four qualified persons shall be suggested to the commissioners, by petitions duly filed, for each district,—two by the party polling the highest vote in the district at the last preceding election, and two by the party or parties polling the next highest number of votes,—by the district executive committees, if such exist; and, if not, by the ward executive committees, if such exist; and, if not, by the city committees. These petitions shall be signed by five electors of the ward, and shall set forth the names, addresses, and occupations, and political affiliations of the persons suggested. At least one of the signers of the petitions shall swear to the truth of the facts set forth therein. The petitions shall remain on file, open to the public inspection, at least ten days before the person named therein shall be appointed, except in cases where a vacancy occurs in the office of registrar within ten days of a registration day. If no petitions are filed, the commissioners may appoint without regard to party; and, if the persons suggested by petition are unfit, shall have power to appoint others of whom they have knowledge. No appointment shall be made unless the person to be appointed has personally appeared before the commissioners, and has satisfied them of his qualifications; but in case of a reappointment, it shall not be necessary for the person so reappointed to be summoned. At least one week's notice of the time and place of the examination, for each ward or election district, of those persons who have been suggested by petition, or are under consideration, for appointment as registrars in such ward or election district, shall be published by the Commissioners in at least two daily news-

Petitions for
Appointment

Signers

Filing

Appointment with-
out petition

Examination

Objections

papers in the city. Any elector may appear in person, and first being duly sworn, (and) show wherein any person, so under consideration, does not possess the qualifications of a registrar. If the persons nominated are found not to be properly qualified, the commissioners may decline to appoint them; and the district executive committee, ward executive committee, or city committee shall then suggest other names as aforesaid. (Act 1907, Sec. 1, P. L. 395.)

Three Commis-
sioners to approve
Proviso

34 No person shall be appointed a registrar unless the appointment is approved by three commissioners: Provided, That if two commissioners have concurred in approving four persons, successively, to fill one position, and the other two commissioners have concurred in objecting to said persons, the commissioners first referred to may approve four other names; and from these eight, all having been suggested by petition, the other two commissioners must select the registrar. (Act 1907, Sec. 1, P. L. 395.)

Power to summon
witnesses

35 The commissioners shall have power to summon any person whom they desire to interrogate, and all persons testifying before said commissioners shall be first duly sworn by said commissioners. Any person so appointed a registrar must perform his duties as prescribed by this act, unless excused therefrom by the commissioners, for cause shown. The registrars shall receive a compensation of ten dollars per day, for the time actually spent in registration. (Act 1907, Sec. 1, P. L. 395.)

Compensation of
Registrars

Registration days

36 The registrars of each division of cities of the first and second classes shall meet at the polling-place thereof on the ninth Thursday, seventh Tuesday, and fifth Saturday preceding every November election, and on the day of the Spring primary, and shall remain in open session from seven ante meridian to ten ante meridian, and from four post meridian to ten post meridian, of each registration day. They shall, on said days, receive personal applications from persons who claim that they are entitled to be registered. They shall have power to administer oaths,

Powers of Regis-
trars

shall examine said applicants under oath, and shall record on the register the names of those whom they shall determine to be qualified, as hereinafter provided. Two weeks' notice of the registration days shall be given by the commissioners, by publication in two daily newspapers in the city, and by posting notices at the polling-places. Electors who did not register at fall registration may register at Spring registration, and the list shall become of no validity at the beginning of the period of fall registration next succeeding that at which the registers were opened. The old registers shall be preserved by the commissioners for at least two years after the year in which they are in use. (Act 1907, Sec. 2, P. L. 398.)

Notice of Regis-
tration days

Preservation of
Registers

37 Every person claiming the right to vote must appear in person before the registrars, in the district in which he lives, on one of the days prescribed by law, and answer the questions put to him by them. These answers must be recorded, on a single line, in two registers, which shall have the following form. The size and character of the said register shall be determined by the Secretary of the Commonwealth, and the form thereof shall be furnished by the said Secretary to the respective commissioners.

Voters must reg-
ister in person

Form of Registers

Surname	Christian Name	Occupation	Present Residence		
			Street Number	Lodger, Lessee or Owner	Room or Floor Occupied
1	2	3	4	5	6

Length of Residence		Place of Residence at time of Last Registration				Place of Birth	Naturalization Papers Produced, Yes or No	No. of Affidavit of Naturalization of Father, if Taken	Tax Receipts Produced, Yes or No
In State	In District	State	City	Street and Number					
7	8	9	10	11	12	13	14	15	16

No. of Affidavit of loss, if taken. If under 22 years of age write "Age"	Personal Description				Signature at time of Registration or of Voting
	Color	Approximate Age	Tall, Short or Medium	Approximate Weight	
17	18	19	20	21	22

	If Challenged, No. of Challenge Affidavit	VOTED These columns are for use at election and are not to be filled in by Registrars				
		November Election	Winter Primary	February Election	Spring Primary	Special Elections
23	24	25	26	27	28	

38 Immediately above the form shall be printed the following instructions: The applicant must be sworn, or affirmed that the information given by him in reference to his right to be registered shall be the truth. Any wilful false statement constitutes perjury, and is punishable as such. (Act 1907, Sec. 3, P. L. 399.)

Instructions

Perjury

39 Every register shall be indexed alphabetically from A to Z. The answers of the applicants shall be recorded, in their presence, in both registers, in the following manner: In the first column shall be entered the surname of the applicant, in the order of his appearance at the polling-place, on the page bearing the index letter of his surname; in the second column shall be entered his Christian name or names; in the third column, his occupation; in the fourth column, the street and number of his residence; in the fifth and sixth columns, whether he is a lodger, lessee, or owner, and, if he is a lodger or is lessee of a portion only of a house, the location or number of the room or floor which he occupies; in the seventh and eighth columns shall be entered the length of his residence in the State and district, respectively; in the ninth, tenth, eleventh, and twelfth columns, the location of the house from which he last registered, giving State, city, street, and number, respectively, and the year in which he is so registered; in the thirteenth column, the State or territory of the United States, or the foreign country, where he was born; in the fourteenth column, whether, being foreign born, he produces his naturalization papers; in the fifteenth column, the number of the affidavit of naturalization of his father, if taken; in the sixteenth and seventeenth columns, the manner in which he complies with the law relating to the payment of taxes as a qualification of the right to vote, whether by the production of his receipt or by making affidavit; if the applicant is less than twenty-two years of age, the word "age" shall be recorded in said column; in the eighteenth, nineteenth, twentieth, and twenty-first columns, his personal description, designating whether white or colored, his

Manner of registering answers

Voter to sign

approximate age, height, and weight; in the twenty-second column, in the register marked "voting check-list," he shall be required to sign his name, if able to write; if he alleges inability to write, a record of the fact shall be made in the same column; and unless due to some apparent physical infirmity, he shall be required to make affidavit of his inability to write; in the twenty-second column in the register marked "ballot check-list," he shall, if challenged on election day, be required to sign his name; in the twenty-third column shall be entered the number of the challenge affidavit of every person who is required to take said affidavit; in the twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh, and twenty-eighth columns the election officers shall record, in one register, the obtaining of the ballot, and, in the other, the casting of the vote of the registered elector at the general, municipal, primary, or special elections, as hereinafter provided, or as may hereafter be provided by law. (Act 1907, Sec. 3, P. L. 399.)

Persons entitled
to register

40 Every person who possesses the qualifications of an elector, as provided in the Constitution and laws of this Commonwealth, or who by continued residence in his election district will obtain such qualifications before the next ensuing election, shall be entitled to be registered; but no person shall be registered unless at least three of the registrars determine that he is so qualified. (Act 1906, Sec. 8, P. L. 56.)

Challenges

41 Any person claiming the right to register may be challenged by a registrar, or by any qualified elector of the election district. Any person so challenged shall answer the questions of the challenge affidavit, as herein specified; and after his answers have been recorded, he shall sign, if able to write, and swear to their truth. He shall also make affidavit, at the same time, to the truth of his answers as recorded in the register, if able to read, and which he shall be deemed to have examined or have had the same read to

him. The affidavit of all persons so registered shall, at the close of each day of registration, be numbered and filed. The challenge affidavit shall be in the following form:

Affidavits to be
numbered and
filed

No.....

Form of
Challenge
Affidavit

.....Election Division,Ward.

City of
State of Pennsylvania, } ss:
County of

What is your full name?

Are you married or single?

If married, where does your family reside?

.....

If single, where do your parents reside?

.....

Where did you actually reside immediately prior to taking
up your present residence?.....

.....

Give your residences for last four months,

.....

What is the name of your present employer?

.....

Where is his place of business?

.....

What is the name of your last employer?

.....

Where is, or was, his place of business?

.....

Have you read the information given by you as recorded
in the register?.....

I, the undersigned, do solemnly swear (or affirm) that I have read the information recorded opposite my name in the register of theDivision of theWard, on page, and that said information, as well as that recorded in this affidavit, is the truth.

.....and subscribed
thisday of 19.....
(Signature of Applicant.)

.....
Registrar.

Registrar's Description of Applicant.

Distinguishing marks,
Other peculiarities,
Color of hair,
.....
.....
.....
.....

Registrars.

Further proof

Naturalized
persons

The challenged applicant shall produce such further proof as the law requires challenged persons to produce on election day, and it shall be the duty of the registrars to require it before permitting him to be registered. All persons claiming the right to vote by reason of naturalization shall be required to produce the proper naturalization papers, or a certified copy thereof, before they shall be registered; but no such person shall be required to produce his papers a second time in the same district, unless he is

challenged; Provided, That any person claiming citizenship by reason of the naturalization of his father, may be registered either by the production of his father's papers or a certified copy thereof, or by making affidavit that his father was naturalized at a time when he, the applicant, was less than twenty-one years of age, and that he is unable to produce his father's papers. Whenever the applicant is rejected, after a portion of the record has been filled in, a line shall be drawn through the record already made, and the registrar shall note on said line the reason for the rejection, and shall add his initials thereto. All affidavits and vouchers shall be executed in duplicate, one being delivered into the custody of each registrar who has charge of the registers. (Act 1907, Sec. 4, P. L. 407.)

Rejection of applicants

Affidavits in duplicate

42 On the Spring registration day the registrars shall, in addition to the registration of electors, strike from the list the names of such persons as shall be proven, to their satisfaction, by the affidavits of at least two qualified electors of the ward, to have died, or removed from the district, since the last registration. The registrars shall record, on blank forms provided for that purpose, the names and previous places of registration, giving wards and districts, of all persons registered by them on said day, who give, as such place of previous registration, a place in the same city, and shall forward the same to the commissioners for their information. Thereafter, upon the return of the registers to the office of the commissioners, it shall be their duty to examine the same, and, wherever registered persons have given as their last place of registration another election district in the same city, to strike said name from the register of said district, of prior residence, and to note thereon the reason for so removing the name. At any time between the November election and the tenth day prior to the Spring primary, any registered elector who has removed from one election district to another in the same city, sixty days prior to the Spring primary,

Names of voters who have removed to be stricken from list

Record to be sent to Commissioners

Registration of persons removing

may apply at the office of the commissioners and have the registry of his name transferred from the district from which he has removed to the one in which he has taken up his new residence. It shall be the duty of the commissioners, upon satisfactory proof of the elector's identity, to strike his name from the register in the district from which he has removed, to examine him in the regular way as to his qualifications, and, if his answers are satisfactory, to register him in the district to which he has removed. (Act 1907, Sec. 5, P. L. 410.)

Watchers

43 Parties or bodies of electors, who now are, or hereafter may be, entitled to have watchers at the general election, shall be allowed to appoint not more than three electors of the ward to act as watchers in each place of registry, without expense to the county, on each registration day. No more than one watcher from such party shall be allowed in the registry place at any one time. Each watcher shall be provided with a certificate from the county commissioners, stating his name and the party or policy he represents. Watchers shall be entitled to be present during all of the public sessions herein provided for, and shall be required to show their certificates when requested to do so. They shall have the power to challenge. (Act 1906, Sec. 11, P. L. 58.)

Number of persons allowed in room

44 No more than six electors, other than the registrars and the watchers herein provided for shall be allowed in the registry-room at any one time. (Act 1906, Sec. 12, P. L. 58.)

Correction of Registers

45 At the end of each day's registration the registrars shall compare the two registers, so kept, and cause any errors in either of them to be corrected by aid of the entries in the other, so as to make the same agree, where there is any difference between them. All of the registrars shall then sign their initials on the line immediately under the last names registered, under each letter, in both books, together with

the date. At the close of both Fall and Winter registrations, the registrars shall sign a certificate, the form of which shall be printed on the last page of the register, setting forth the number of persons registered on each day, and the number of names which have been stricken out, if any. (Act 1906, Sec. 13, P. L. 58.)

Certificate

46 The two registrars who have not charge of the registers shall, at both registrations, prepare two "street lists" of all names which are registered. These lists shall contain the names of the electors and their addresses, in the order in which their residences appear upon the streets of the district. (Act 1906, Sec. 14, P. L. 58.)

Street lists

47 One of said street lists shall be hung outside of the polling-place, and shall remain in that position until the next election. The other shall be returned to the office of the commissioners, and at least one hundred exact copies of it shall be printed in pamphlet form and shall be ready for distribution at least three weeks before election day. (Act 1906, Sec. 14, P. L. 58.)

48 If any citizen shall object to the action of the registrars in accepting or rejecting any claim for registration, he may file his petition, duly sworn to by said citizen, with the commissioners, setting forth the ground of his complaint. If the complaint is to the acceptance of a claim, notice to the claimant shall be given by leaving a written or printed notice at his place of residence, as given by him to the registrar and recorded in the register. When such petitions are filed the commissioners shall fix a time and place for hearing them, sufficiently in advance of the election to enable the same to be heard and disposed of prior thereto, and to have a review thereof by the courts. Such hearing shall be public, before the commissioners, and the register of voters may be amended, either by the insertion of a new name or the cancellation of a name already on the register, or otherwise, as the commissioners may order. The commissioners may enforce their orders as herein provided, or may make the

Complaints
Petition to Com-
missioners

Notice

Hearing

Time for making application amendments themselves or by their clerks. All such applications for correcting the register must be made not later than fifteen days prior to an election. (Act 1907, Sec. 6, P. L. 411.)

Appeal to Common Pleas

49 The applicant, or any elector who is not satisfied with the decision of the commissioners, may petition the court of common pleas, setting forth the reason why he feels that injustice has been done, and thereupon the said court of common pleas may, in its discretion, allow an appeal to it from the decision of the commissioners. The said court may then fix a day for a public hearing, of which notice shall be served by the petitioner upon the commissioners and upon the person or his attorney who opposed his contention before the commissioners, together with a copy of the petition, at least five days before such public hearing may take place, proof of which must be exhibited to the court. The said court, after such public hearing, may reverse, affirm, or alter the decision of the commissioners. Said petitions for appeals must be filed not later than ten days preceding an election. (Act 1907, Sec. 6, P. L. 411.)

Hearing

Time for filing

Illness or absence on registration days
Petition to Commissioners

50 Any qualified elector who was too ill to appear at the polling-place on all of the registration days, or who was unavoidably absent from the county on all of said days, may present his petition to the commissioners at any time, up to two weeks before the general election, setting forth the facts of his illness or unavoidable absence, and setting forth in detail, the information required to be recorded in the register, and praying that his name may be added to the register in the proper division. After this petition shall have remained in the office of the commissioners, open to public inspection, for at least two days, hearing shall be granted; the petitioner shall personally appear, and if the facts are proven, to the satisfaction of the commissioners, to be as reported, they shall order the name of the petitioner to be inserted on the register in the proper place. This hearing shall be public; and any qualified elector shall have the right to challenge and to require proper proof of identity, as in

Hearing

the case of registry before the registrars. If any person is not satisfied with the decision of the commissioners, he may appeal to the court of common pleas, as in other cases. The commissioners shall also have power to investigate, on their own motion, any irregularities in registration, and shall have power to summon witnesses, to examine them under oath, and to require the production of the books and papers of the registrars. (Act 1907, Sec. 6, P. L. 411.)

Appeal to Com-
mon Pleas

Investigation by
Commissioners

51 The two registrars designated to keep the two registers shall obtain, at the office of the commissioners, the blank books, forms, and other supplies prepared for their use, before the first registration day in the Fall, and before the Spring registration day, and shall have the same at the polling-place on said days. On registration days, and during the time from one such day to another, until the close of the Fall registration period, the said registrars shall have the custody and control, and shall be charged with the safe-keeping of, the registers in which they have made entries, together with all affidavits, forms, et cetera, which have been taken in duplicate, as hereinbefore provided. During the same periods, the other two registrars shall be charged with the safe-keeping of the street lists which are in course of preparation by them. At the close of the registration, and before twelve o'clock noon on the following day, the two registrars who have been charged with the keeping of the registers shall deliver the same, together with one street list, all affidavits, vouchers, unused forms, et cetera, to the registration commissioners, at such place as may be designated by them. The said papers and books shall remain on file at a place designated by the commissioners, open to public inspection, under proper regulations for their safe-keeping; subject, however, to the further provisions of this act. The registration commissioners shall have power to appoint a chief clerk, and fix his compensation, at a sum not exceeding two thousand five hundred dollars per annum; a stenographer, who shall act as

Custody of
Registers

Commissioners
may appoint
Clerks, Stenogra-
phers and Attor-
ney
Compensation

clerk, at a compensation not exceeding twelve hundred dollars per annum; and not more than fifteen clerks, for such time as may be necessary, at a compensation not exceeding three dollars per diem, for the time actually employed; and an attorney, whose compensation shall not exceed two thousand dollars per annum. (Act 1907, Sec. 7, P. L. 414.)

Duties of County Commissioners

52 The county commissioners of each county, upon proper vouchers, shall provide for the payment of the commissioners, counsel, registrars, and other officers or clerks provided by this act. They shall furnish proper rooms for the accommodation of the commissioners and their records. They shall also, at the direction of the commissioners, prepare and have printed, at the expense of the county, all the registers, street lists, affidavits, blanks, blank books, and stationery required by the provisions of this act, or which, in the judgment of the commissioners, are reasonably necessary to carry out its provisions, and shall provide for their proper distribution to the commissioners and their registrars. It shall also be their duty to see that the polling-places are open and in proper order for the use of the registrars. They shall also deliver the two registers to the election officers, in the manner in which they are or may be required to deliver other election materials for use on election day. (Act 1907, Sec. 7, P. L. 414.)

Persons entitled to vote

53 Any person whose name is on the register shall be entitled to vote at any general, special, primary, or municipal election, unless it shall be shown to the satisfaction of the election officers that he has become disqualified since registration. Provided, That if a special election shall intervene between registration day and the next general or municipal election, the presence of the name of an elector on the list shall only be prima facie evidence of his right to vote. If his name is not registered he shall not be entitled to vote at any election. Before receiving his ballot every voter shall satisfy the election officers of his identity, and, if challenged, by signing his name in the place pro-

**Proof of identity
Signature**

vided for that purpose, if able to do so, and by the production of such other evidence as is or may be required by law. (Act 1907, Sec. 8, P. L. 416.)

54 The two registers shall be used at elections, by the election officers, in the place of the ballot check-list and the voting check-list. One of the said registers shall be marked "Ballot check-list" and the other shall be marked "Voting check-list." After the polls are closed the names checked as having voted, in the said two registers, shall be immediately counted, and the result announced before the ballot-box is opened. The two registers shall be immediately sealed in an envelope, and shall be returned to the custody of the commissioners when the ballot-box and other election returns are delivered to the proper officers. (Act 1907, Sec. 8, P. L. 416.)

Ballot check list
and voting check
list

Disposition of
registers after
elections

E. PERSONAL REGISTRATION IN CITIES OF THE THIRD CLASS

55 The county commissioners of each county in which is located cities or a city of the third class, shall not later than June fifteenth, in every year appoint two registrars for each election precinct or ward, to serve for a term of three years, and until their successors are duly qualified. The said registrars must be duly qualified electors of the precinct or ward for which they are appointed, and must have been residents of the city in which said precinct or ward is situated for a period of two years before their said appointment, and of the precinct or ward for one year immediately preceding the same. They must be sober and judicious persons, of good moral character, able to read intelligently and to write legibly. One of the said registrars shall be a member of the party polling the highest vote within the election precinct or ward at the last preceding election and the other shall be a member of the party polling the next highest

County Commis-
sioners to appoint
Registrars

Qualifications

Petition to remove vote. It is the intent of this act that at all times the Board of Registrars shall be, as nearly as may be, evenly divided in political faith, and, therefore, if it appears that at any time, by reason of a change in political affiliations or because of error in the appointment, the Board is not so evenly divided, any ten electors of the district may file a petition with the county commissioners, setting forth the facts, and praying that the changed or erroneous appointments may be revoked and another appointment made instead. The county commissioners shall grant a public hearing, and if they find the facts to be as represented, they shall give the relief asked for; but no registrar shall be removed merely because his party, at an election following his appointment, has polled a less number of votes in the district than some other party. No person who holds, or is a candidate for, a public office shall act as registrar. (Act 1906, Sec. 1, P. L. 63.)

Removal for misconduct

56 The county commissioners shall also be empowered to remove any of the said registrars for misconduct or malfeasance in office. (Act 1906, Sec. 1, P. L. 63.)

Petitions for appointment of Registrars

57 The names of two suitable persons to be registrars shall be suggested to the county commissioners, by petitions duly filed for each precinct or ward, by the party representatives of the two leading parties of the precinct or ward. The petitions shall be signed by five electors of the district, and shall set forth the names, addresses, occupations, and political affiliations of the persons suggested. The signers of the petitions shall swear to the truth of the facts set forth therein. The petition shall remain on file, open to the public inspection, at least ten days before the persons named therein shall be appointed, except in cases where a vacancy occurs in the office of registrar within ten days of a registration day, when the appointment can be made without such delay. If no petitions are filed, the county commissioners may appoint without regard to party. No appointment shall be made unless the person who desires to be appointed personally appears before the county commis-

Examination

sioners and satisfies them of his qualifications. In case of reappointment, however, it shall not be necessary for him to appear before them. (Act 1907, Sec. 1, P. L. 251.)

58 At least one week's notice of the time and place of the examination of the suggested registrars shall be given by the county commissioners, in the daily press; and any elector may appear, either in person or by counsel, and object to the qualification of any applicant. If the persons nominated are found not to be properly qualified, the county commissioners may decline to appoint them; and the party authorities of the precinct or ward may then suggest another name, or other names, for the said place or places. (Act 1907, Sec. 1, P. L. 251.)

Hearing

59 The registrars shall receive a compensation of five dollars a day, for the time actually spent in the work of registration. (Act 1907, Sec. 1, P. L. 251.)

Compensation of Registrars

60 The registrars of each precinct or ward shall meet at the polling-places thereof, on the ninth Tuesday, seventh Tuesday, and third Saturday preceding every November election, and on the third Saturday preceding every Spring Primary; and shall remain in open session from eight ante meridian to one post meridian, two to six post meridian, and from seven post meridian to ten post meridian, of each registration day. They shall, on said days, receive personal applications from persons who claim that they are entitled to be registered as voters. They shall have power to administer oaths, shall examine said applicants under oath, and shall record on the registers the names of such persons as are qualified to vote as herein provided. Two weeks' notice of the registration days shall be given, by the registrars posting notices at the polling-places. (Act 1907, Sec. 2, P. L. 253.)

Registration days

61 Every person claiming the right to vote must appear in person before the registrars, in the precinct or ward in which he lives, prior to every November election; unless he is prevented by sickness or necessary absence from the city

Voters must register in person

Sickness or absence

Petition to Com-
missioners
Appeal

from appearing before the said registrars to be registered in person. In either of these cases, it shall be his right, at any time, to present his petition to the county commissioners; and in case they shall refuse to order his name placed on the registration list, the said petitioner may appeal to the court of common pleas of the district in which he resides, if the said court is in session, or, if not in session, to any judge thereof; whereupon the said court shall grant a rule upon the said county commissioners to show cause why the name of the said person should not be placed upon the registers; and the said court, or judge thereof, shall fix a day certain for the return of the said rule, at which time the parties can be heard; and upon the return of the said rule, upon a hearing duly had, if the said court or judge shall be satisfied that the facts set forth in the petition are true, and that the applicant was prevented by sickness or necessary absence from the city from appearing in person before the registrars and being registered, and is qualified to vote, the rule may be made absolute; and the registrars shall be directed to place the name of such person or persons upon the registers. (Act 1906, Sec. 4, P. L. 65.)

Form of
Registers

62 Every person appearing before the registrars, after being sworn, shall answer the questions put to him by them. These answers must be recorded on a single line, in two registers, which shall have the following form. The size and character of the registers shall be determined by the county commissioners:

Surname	Christian Name	Occupation	Present Residence		
			Street Number	Lodger, Lessee or Owner	Room or Floor Occupied
1	2	3	4	5	6

Length of Residence		Place of Residence at time of Last Registration				Place of Birth	Naturalization Papers Produced, Yes or No	Tax Receipts Produced, Yes or No
In State	In District	State	City	Street and Number	Year			
7	8	9	10	11	12	13	14	15

No. of Affidavit of loss, if taken. If under 22 years of age write "Age"	Personal Description				If Challenged, No. of Challenge Affidavit	Voted		
	Color	Approximate Age	Tall, Short or Medium	Approximate Weight				
16	17	18	19	20	21	22	23	24

Instructions

63 Immediately above the form shall be printed the following instructions: The applicant must be sworn or affirmed that the information given by him in reference to his right to be registered shall be the truth. Any wilful false statement constitutes perjury, and is punishable as such. (Act 1906, Sec. 4, P. L. 65.)

Perjury

Manner of recording answers

64 Every register shall be indexed alphabetically from A to Z. The answers of the applicants shall be recorded in their presence, in both registers, in the following manner: In the first column shall be entered the surname of the applicant, in the order of his appearance at the polling-place, on the page bearing the index letter of his surname; in the second column shall be entered his Christian name or names; in the third column, his occupation; in the fourth column, the street and number of his residence; in the fifth or sixth columns, whether he is a lodger, lessee or owner, and, if he is a lodger or is lessee of a portion only of a house, the location or number of the room or floor which he occupies; in the seventh and eighth columns shall be entered the length of his residence in the State and district, respectively; in the ninth, tenth, eleventh, and twelfth columns, the location of the house from which he last registered, giving State, city, street, and number, respectively, and the year in which he so registered; in the thirteenth column, the State or territory of the United States, or the foreign country, where he was born; in the fourteenth column, whether, being foreign born, he produces his naturalization papers; in the fifteenth and sixteenth columns, the manner in which he complies with the law to the payment of taxes as a qualification of the right to vote, whether by the production of his receipt or by making affidavit; if the applicant is less than twenty-two years of age, the word "age" shall be recorded in said column; in the seventeenth, eighteenth, nineteenth, and twentieth columns, his personal description, designating whether white or colored, his approximate age, height, and weight; in the twenty-first column shall be entered the number of

the challenge affidavit of every person who is required to take said affidavit: in the twenty-second, twenty-third, and twenty-fourth columns the election officers shall record, in one register, the obtaining of the ballot, and, in the other, the casting of the vote of the registered elector at the general, municipal or special election, as hereinafter provided. (Act 1906, Sec. 4, P. L. 65.)

65 Every person who possesses the qualifications of an elector, as provided in the Constitution and laws of this Commonwealth, or who by continued residence in his election precinct or ward will obtain such qualifications before the next ensuing election, shall be entitled to be registered. (Act 1906, Sec. 5, P. L. 68.)

Persons entitled to register

66 Any person claiming the right to register may be challenged by a registrar or by any elector of the precinct or ward. Any person so challenged shall answer the questions of the challenge affidavit, as herein specified; and after his answers have been recorded, he shall sign and swear, or affirm, to their truth. He shall also make affidavit, at the same time, of the truth of his answers as recorded in the registers, and which he shall be deemed to have examined or had read to him. The affidavits of all persons so registered shall, at the close of each day of registration, be numbered and filed. The challenge affidavit shall be in the following form:

Challenge

Affidavits to be numbered and filed

Number
 Election precinct, Ward.
 City of
 State of Pennsylvania, } ss:
 County of }

Form of challenge affidavit

What is your full name?.....
 Are you married or single?.....
 If married, where does your family reside?.....

If single, where do your parents reside?
 Where did you actually reside immediately prior to taking
 up your present residence?.....
 Give your residence for the last four months,
 What is the name of your present employer?.....
 Where is his place of business?.....
 What is the name of your last employer?.....
 Where is, or was, his place of business?
 Have you read, or had read to you, the information given
 by you as recorded in the register?

I, the undersigned, do solemnly swear (or affirm) that
 I have read, or had read to me, the information recorded
 opposite my name in the register of theprecinct
 of theward, on page, and
 that said information, as well as that recorded in this affi-
 davit, is the truth.

.....and subscribed,
 this day of190..
 (Signature of applicant).

.....
 Registrar.

Registrars' Description of Applicant.

Distinguishing marks,
 Other peculiarities,
 Color of hair,

.....

 Registrars.

67 The challenged applicant shall produce such further Further proof proof as the law requires challenged persons to produce on election day, and it shall be the duty of the registrars to require it before permitting him to be registered. All persons claiming the right to vote by reason of naturalization Naturalized citizens shall be required to produce the proper naturalization papers, or a certified copy thereof, before they shall be registered; but no such person shall be required to produce his papers a second time in the same precinct or ward, unless he is challenged. Whenever the applicant is rejected, after a portion of the record has been filled in, a line shall be drawn through the record already made, and the registrars shall note on said line the reason for the rejection, and shall add their initials thereto. (Act 1906, Sec. 6, P. L. 69.)

68 On the registration day preceding the Spring Primary, the registrars shall, in addition to the registration of electors, strike from the list the names of such persons as shall be proven, to their satisfaction, by the affidavits of at least two qualified electors of the precinct or ward, to have died, or removed from the district, since the last registration. Names of persons removing to be stricken from lists (Act 1907, Sec. 3, P. L. 254.)

69 Parties or bodies of electors, who are now, or hereafter may be, entitled to have watchers at the general election, shall be allowed to appoint not more than three electors of the precinct or ward to act as watchers in each place of registry, without expense to the county, on each registration day. No more than one watcher from such party shall be allowed in the registry place at any one time. Each watcher shall be provided with a certificate from the county commissioners, stating his name and the party or policy he represents. Watchers shall be entitled to be present during all of the public sessions herein provided for, and shall be required to show their certificates when requested to do so. They shall have the power to challenge. Watchers (Act 1906, Sec. 8, P. L. 70.)

Number of persons allowed in room

70 No more than six electors, other than the registrars and the watchers herein provided for, shall be allowed in the registry-room at any one time. (Act 1906, Sec. 9, P. L. 70.)

Correction of Registers

71 At the end of each day's registration the registrars shall compare the two registers, so kept, and cause any errors in either of them to be corrected by aid of the entries in the other, so as to make the same agree, where there is any difference between them. The registrars shall then sign their initials, on the line immediately under the last names registered, under each letter, in both books, together with the date. At the close of both Fall and Winter registrations, the registrars shall sign a certificate, the form of which shall be printed on the last page of the registers, setting forth the number of persons registered on each day, and the number of names which have been stricken out, if any. (Act 1906, Sec. 10, P. L. 70.)

Certificate

Complaints
Petition to
Commissioners

Com-

72 If any citizen shall object to the action of the registrars in accepting or rejecting any claim for registration, he may file his petition with the county commissioners, setting forth the ground of his complaint, within ten days. If the complaint is to the acceptance of a claim, notice to the claimant shall be given by leaving a written or printed notice at his place of residence, as given by him to the registrars and recorded on the registers. When such petitions are filed the county commissioners shall fix a time and place for hearing them, sufficiently in advance of the election to enable the same to be heard and disposed of prior thereto, and to have a review thereof by the courts. Such hearing shall be public, before the county commissioners, and the registers of voters may be amended, either by the insertion of a new name or the cancellation of a name already on the registers, or otherwise, as the county commissioners may order. The county commissioners may enforce their orders as herein provided, or may make the amendments themselves or by

Hearing

their clerks. All such applications for correcting the registers must be made not later than ten days prior to an election. (Act 1906, Sec. 11, P. L. 71.) Times for making

73 The applicant, or any elector who is not satisfied with the decision of the county commissioners, may petition the court of common pleas, setting forth the reasons why he feels that injustice has been done, and thereupon the said court of common pleas may, in its discretion, allow an appeal to it from the decision of the county commissioners. And the said court, after a public hearing, may reverse, affirm, or alter the decision of the county commissioners. Said appeals must be made not later than five days preceding an election. (Act 1906, Sec. 11, P. L. 71.) Appeals

74 The registrars shall obtain, at the office of the county commissioners, the blank books, forms and other supplies prepared for their use, before the first registration day, and shall have the same at the polling-place on the said day. On registration days, and during the time from one such day to another, until the close of the registration period, the said registrars shall have the custody and control, and shall be charged with the safe-keeping, of the registers in which they have made entries, together with all affidavits, forms, and so forth, which have been taken in duplicate, as hereinbefore provided. At the close of the registration, and before twelve o'clock noon of the following day, the registrars shall deliver the registers, together with all affidavits, vouchers, unused forms, and so forth, to the office of the county commissioners; and the said papers shall remain there on file, open to public inspection, under proper regulations for their safe-keeping; subject, however, to the further provisions of this act. On Saturday or Monday prior to the Spring Primary, the said registrars shall obtain from said office, each, the register kept by him, together with a sufficient number of blank forms and other supplies, and shall have the same at the polling-place for use on the registration day; and, as before, shall be charged Custody of Registers, etc.

with the safe-keeping and return of said records before noon of the day following the registration day. (Act 1907, Sec. 4, P. L. 254.)

Duties of County Commissioners

75 The county commissioners of each county, upon proper vouchers, shall provide for the payment of the registrars provided by this act. They shall furnish proper rooms for the accommodation of themselves and their records. They shall also prepare and have printed, at the expense of the county, all the registers, affidavits, blanks, blank books, and stationery required by the provisions of this act, or which are reasonably necessary to carry out its provisions, and shall provide for their proper distribution to the registrars. It shall also be their duty to see that the polling places are open and in proper order for the use of the registrars. They shall also deliver the two registers to the election officers, in the manner in which they are or may be required to deliver other materials for use on election day. (Act 1907, Sec. 4, P. L. 254.)

Persons entitled to vote

76 Any person whose name is on the register shall be entitled to vote at any general, special, municipal, or primary election, unless it shall be shown to the satisfaction of the election officers, that he is no longer a resident of the election district in which he is registered: Provided, That if a special election shall intervene between registration day and the next general or municipal election, the presence of the name of an elector on the list shall only be prima facie evidence of his right to vote. If his name is not registered he shall not be entitled to vote at any election. Before receiving his ballot every voter shall satisfy the election officers of his identity, and, if challenged, by signing his name in the place provided for that purpose, if able to do so, and by the production of such other evidence as is or may be required by law. (Act 1907, Sec. 5, P. L. 256.)

Proof of Identity Signature

Ballot check list and voting check list

77 The two registers shall be used at elections by the election officers, in the place of the ballot check-list and the

voting check-list. One of the said registers shall be marked "ballot check-list," and the other shall be marked "voting check-list." After the polls are closed the names checked as having voted, in the said two registers, shall be immediately counted, and the result announced before the ballot-box is opened. The two registers shall then be immediately sealed up in an envelope, and shall be returned to the custody of the county commissioners when the ballot-box and other election returns are delivered to the proper officers. (Act 1906, Sec. 13, P. L. 72.)

Registers to be
sealed and re-
turned to County
Commissioners

II. METHODS OF NOMINATION

A. UNIFORM PRIMARIES

78 A primary election shall be held in each year in every election district in which nominations are to be made or delegates or party officers elected, on the first Saturday of June, except in years when a President of the United States is to be elected, in which it shall be held on the second Saturday of April, for the following purposes:

a. The election of delegates to State and National Conventions (except delegates at large to National Conventions, which shall be elected by the State Convention) by any party or body of electors one of whose candidates at either the general or municipal election preceding polled two per centum of the largest entire vote cast in the State for any candidate at the last general election.

b. The nomination of candidates for all offices to be filled at the November election (except those nominated by National and State Conventions) by any political party or body of electors, one of whose candidates at either the general or municipal election preceding polled two per centum of the largest entire vote cast in the political district in which nominations are to be made for any candidate at the last general election.

c. The election of such party officers, by any party as defined in paragraph b, as are provided for by the rules of the party to be elected by vote of the party electors. (Act 1906, Sec. 2, P. L. 36.)

79 No delegates to State or National conventions, or officers of parties, shall be elected, or candidates for the public offices herein specified be nominated, in any other manner than as set forth in sections 78 to 115 of this Code: Provided, that nothing herein contained shall prevent the nomination of candidates for borough or township offices, or other offices not herein specifically enumerated, in the

Time of
holding

Candidates to be
nominated at
primaries

Borough and
township officers

manner provided by section 116 of this Code; or any association of electors, not constituting a party, from nominating candidates by nomination papers, as is provided by existing laws. (Act 1906, Sec. 2, P. L. 36.)

Nomination by
nomination papers

80 This act shall not apply to the nomination of candidates for Presidential electors, or to the nomination of candidates to be voted for at special elections to fill vacancies; but it shall not be construed to prevent the nomination of Presidential electors at primaries, if the rules of the respective parties so provide. (Act 1906, Sec. 2, P. L. 36.)

Presidential elec-
tors
Elections to fill
vacancies

81 On or before the ninth Saturday preceding the primary, the Secretary of the Commonwealth shall send to the county commissioners in each county a written notice, setting forth the number of Congressmen and officers of the Commonwealth, not nominated by State conventions, to be elected or voted for therein at the next succeeding general election. (Act 1906, Sec. 3, P. L. 37.)

Secretary of Com-
monwealth to
send list of offices
to be voted for;

82 On or before the same date the chairman of the State committee of each party shall send to the county commissioners a written notice, setting forth the number of delegates to be elected in such county to the State and National convention of such party. (Act 1906, Sec. 3, P. L. 37.)

Chairman of
State Committee
to send list of
delegates to be
elected;

83 On or before the same date the chairman of the county committee of each party shall send to the county commissioners of such county a written notice, setting forth the names of all party offices to be filled by election at the ensuing primary. (Act 1906, Sec. 3, P. L. 37.)

Chairman of
County Committee
to send list of
party offices;

84 Upon receipt of such notices, and beginning within one week thereafter, such county commissioners shall publish the number of delegates to be elected to the State and National conventions of each party, together with the names of all offices for which nominations are to be made or candidates for the party offices to be elected, within the county, at the ensuing primary, at least once each week for three

County Commis-
sioners to publish
lists

successive weeks, in two newspapers of general circulation published within the county, wherever such course is possible. Such newspapers, so far as practicable, shall be representative of different political parties. (Act 1906, Sec. 3, P. L. 37.)

Ballots to be prepared by County Commissioners

85 Official primary ballots for each party shall be prepared by the county commissioners. These ballots shall be printed on white paper of uniform quality, and shall be uniform in size, style of printing and general appearance. (Act 1906, Sec. 4, P. L. 37.)

86 The ballot for each party shall be in the following form:

PRIMARY BALLOT. Form of ballot

(Name of Party.)

.....District, Ward, City of
 County ofState of Pennsylvania.
 Primary held on the.....day of190.....

Make a cross (X) in the square to the right of each candidate for whom you wish to vote. If you desire to vote for a person whose name is not on the ballot, write or paste his name in the blank space provided for that purpose.

DELEGATES TO STATE CONVENTION.

(Vote for.....)

John Doe (Favors Thomas Smith for Governor)	<input type="checkbox"/>
Richard Roe	<input type="checkbox"/>
John Stiles (Favors Henry Jones for Governor)	<input type="checkbox"/>

MEMBER OF CONGRESS,.....DISTRICT.

(Vote for one.)

John Doe,	<input type="checkbox"/>
Richard Roe,	<input type="checkbox"/>
John Stiles,	<input type="checkbox"/>

STATE SENATOR,.....DISTRICT.

(Vote for one.)

John Doe,	<input type="checkbox"/>
Richard Roe,	<input type="checkbox"/>
John Stiles,	<input type="checkbox"/>

DISTRICT ATTORNEY.

(Vote for one.)

John Doe,	<input type="checkbox"/>
Richard Roe,	<input type="checkbox"/>
John Stiles,	<input type="checkbox"/>

PARTY COMMITTEEMEN.

(Vote for.....)

John Doe,	<input type="checkbox"/>
Richard Roe,	<input type="checkbox"/>
John Stiles,	<input type="checkbox"/>

[And on the back of such ballot shall also be printed in prominent type the name of the party.] (Act 1906, Sec. 4, P. L. 37.)

Arrangement of
names

87 The ballot shall vary in form only as the names of offices or candidates may require. The names of the candidates shall appear in alphabetical order under the respective offices. The voter may designate his choice, as is indicated by the instructions shown on the form of ballot above set forth. (Act 1906, Sec. 4, P. L. 37.)

Delegates may
indicate whom
they favor in
convention

88 Each candidate for delegate shall have the right, by filing a request with the county commissioners, to have printed at the right of his name upon the official ballot, in the space provided for that purpose, the name of the candidate whom he will support in the convention. (Act 1906, Sec. 4, P. L. 37.)

Petition to place
name on ballot

89 The names of candidates shall be printed upon the official ballot of a designated party, upon the filing of petitions, signed by qualified electors of the political district division within which the nomination or election is to be made, setting forth that the signers thereof are members of the party designated. (Act 1906, Sec. 5, P. L. 39.)

Filing

90 The said petitions, in the case of candidates for Congress or for State offices, shall be filed, at least four weeks prior to the primary, with the Secretary of the Commonwealth; and in all other cases shall be filed, at least three weeks prior to the primary, with the county commissioners of the respective counties. (Act 1906, Sec. 5, P. L. 39.)

Number of
signers

91 The number of signers shall be as follows:

1. Candidates for nomination for Members of Congress, Judges of the various courts, and State Senator, two hundred qualified electors.

2. Candidates for nomination for Members of the State House of Representatives, and for offices to be voted for by the entire county, fifty qualified electors.

3. Candidates for nomination for all other offices, for delegates to State and National conventions, and for party offices, ten qualified electors. (Act 1906, Sec. 5, P. L. 39.)

92 The Secretary of the Commonwealth, immediately after the filing of the said petitions with him, shall forward to the county commissioners of each county a correct list of the candidates of each party for the various offices, as contained in such petitions. (Act 1906, Sec. 6, P. L. 39.)

Secretary of
Commonwealth to
forward list of
candidates

93 The county commissioners shall have on file in their office, at least one week preceding the primary, open to public inspection, forms of the ballots with the names printed thereon, which shall be used in each election district within such county. (Act 1906, Sec. 6, P. L. 39.)

Forms of ballot
to be on file

94 The county commissioners shall prepare, and furnish to the election officers for use at the primaries, as many official ballots of each party as are equal to double the total number of votes cast for any candidate of said party, within the election district, at the last general election: Provided, That the county commissioners shall furnish such additional number of ballots, in any election district, as may be requested in writing by the chairman of the county committee of any party; such requests must be filed with the county commissioners two weeks before the primary. (Act 1906, Sec. 7, P. L. 39.)

County Commis-
sioners to furnish
ballots

95 The county commissioners shall also furnish one-fourth as many specimen ballots as the whole number of official ballots, to be printed on colored paper, and to be of the same size and form as the official ballot, for the use of the electors at the polls. (Act 1906, Sec. 7, P. L. 39.)

Sample ballots

96 The official ballots shall be bound, in books of one hundred each, in the same manner as ballots at elections; and shall be delivered to the officers of election in the same manner as ballots are or hereafter may be required by law to be delivered to officers of election, for use at elections. (Act 1906, Sec. 7, P. L. 39.)

Delivery of
ballots

Ballot boxes, supplies, etc.

97 The county commissioners shall prepare, and furnish to the election officers, at the primaries, such ballot-boxes, properly numbered for each election district, lists of voters, forms, blanks, return sheets, blank books and other supplies as they are, or hereafter may be, required to furnish, by law, to said officers for use at elections, and shall deliver them in the same manner as at elections. The said supplies shall have printed upon them appropriate instructions, and shall be in appropriate form for use at the primaries. They shall also provide for the opening of the polling-places, for the compensation of the owners thereof, shall see that they are in proper order, and provided with voting-booths, as at elections. (Act 1906, Sec. 7, P. L. 39.)

Polling places

Election officers

Compensation

98 The primaries shall be conducted by the regular election boards, duly elected under existing laws, who shall receive one-half the compensation for their services that they receive at elections. Inspectors of elections shall have the right to appoint clerks to assist them, as at elections, who shall receive one-half the compensation that clerks receive for such services at elections. Vacancies on election boards shall be filled in the manner now provided by law. Before entering upon their duties the election officers and clerks shall be sworn, as is now required by law. (Act 1906, Sec. 8, P. L. 40.)

Polling hours

Liquor selling

99 The polls shall be open between the hours of two post meridian and eight post meridian: Provided, That all persons licensed to sell liquors, either at wholesale or retail, or as bottlers, shall be compelled to keep their places of business closed, on said days for holding said primary elections, only between the hours of one o'clock post meridian and nine o'clock post meridian. (Act 1906, Sec. 8, P. L. 40.)

Conduct of primary elections

Assistance of voters

100 Primaries shall be conducted in conformity with the laws governing the conduct of general elections, in so far as the same are not modified by the provisions of this act or are not inconsistent with its terms: But, provided, That no elector shall be permitted to receive any assistance in

marking his ballot, unless he shall first make an affidavit that he cannot read the names on the ballot, or that by reason of physical disability he is unable to mark his ballot. (Act 1906, Sec. 8, P. L. 40.)

101 The county commissioners shall keep an accurate account of the entire expense of holding such primaries, including the preparation and delivery of supplies, voting materials, et cetera, and the total amount shall be paid, in the first instance, by the county treasurer, upon the order of the county commissioners. As soon as convenient thereafter, the county commissioners shall prepare an itemized statement of the amount so paid, verified by oath, and send the same, accompanied by the receipted vouchers, to the Auditor General, who, if he finds the same correct, shall draw a warrant on the State Treasurer, for the proper county, for the amount so approved, which shall be paid by the State Treasurer out of the money in the State Treasury not otherwise appropriated. (Act 1906, Sec. 9, P. L. 41.)

Expenses of holding primaries

To be paid by State Treasurer

102 The qualifications of electors entitled to vote at a primary shall be the same as the qualifications of electors entitled to vote at elections, within the election district where the primary is held. Each elector shall prove his qualifications and his identity in the same manner in which electors in the election district in which he offers to vote are, or hereafter may be, required by law to prove their qualifications or identity, on election day. (Act 1906, Sec. 10, P. L. 41.)

Qualification of voters

103 Each elector shall have the right to receive the ballot of the party for which he asks: Provided, That if he is challenged, he shall be required to make oath or affirmation that, at the next preceding general election at which he voted, he voted for a majority of the candidates of the party for whose ballot he asks. (Act 1906, Sec. 10, P. L. 41.)

Challenge

104 Upon executing such affidavit the voter shall be entitled to receive the ballot for which he has called, and to cast his vote according to law. (Act 1906, Sec. 10, P. L. 41.)

Custody of ballot
boxes, etc.

105 The ballot-boxes, lists of voters (a copy of which shall be posted outside of the polling-place), and other records shall be delivered into the custody of the officers who now are, or hereafter may be, required by law to keep similar records of election. (Act 1906, Sec. 11, P. L. 41.)

Counting the vote

106 Upon the closing of the polls at such primary election, the election officers shall forthwith proceed to open the ballot-boxes and take therefrom the ballots, and first count the number cast for each party, and make a record thereof; and then count the vote cast for the different persons named upon said party ballots; and, when said count is finally completed, they shall certify, in due and proper form, to the number of votes cast for each person upon the respective party tickets. They shall then replace the ballots, counted and canvassed, in the boxes, and lock the same. They shall then place the returns of votes and the register of voters, aforesaid, for each party, in separate envelopes, and seal the same; which said envelopes shall, on or before noon of the Tuesday following, be deposited by the judge of election in person, or by registered mail, with the county commissioners, who shall on the succeeding day, at noon, publicly commence the computation and canvassing of the returns, and continue the same from day to day until completed; and for that purpose to have the right to petition the court of common pleas for the use of its processes to enforce the provisions of this act in relation to the returns of the election officers. (Act 1906, Sec. 11, P. L. 41.)

Return to County
Commissioners

Canvass

Recount

107 Upon petition of ten qualified electors, of any county, setting forth that fraud has been committed in any election district of said county, together with a statement of the reasons why such an assertion is made, it shall be the duty of the county commissioners to open the ballot-box of the said district and to recount the votes. Any person aggrieved by any decision of the county commissioners relative to the counting of the votes may appeal therefrom to the court of common pleas of the proper county, whose duty it shall be

Appeal to Com-
mon Pleas

to hear said appeal, and to make such decree as right and justice shall require: Provided, however, That in case of a contest of delegates to a State convention, such contests shall be determined by the State convention, according to the rules of their respective parties. Contests of primaries shall be originated and conducted as in the case of elections. (Act 1906, Sec. 11, P. L. 41.)

Delegates to State Convention

Conduct of Contests

108 The county commissioners shall make the proper certification of returns of votes cast for the candidates for nomination for members of Congress or for State offices to the Secretary of the Commonwealth, who shall tabulate the same, and shall certify to the county commissioners the result of the computation of the vote for such offices, at least forty days prior to the election. (Act 1906, Sec. 11, P. L. 41.)

Return to Secretary of the Commonwealth

109 Candidates for offices of the Commonwealth, to be voted for by electors of the State at large, shall be nominated by the State conventions, for which delegates are elected in accordance with the terms of this act. The delegates who receive a plurality of the vote of party electors at the Spring primary shall be the duly elected delegates to the respective State and National conventions. (Act 1907, Sec. 1, P. L. 199.)

Candidates nominated by conventions

110 Candidates for nomination, as provided herein, who receive a plurality of votes of any party at a primary meeting, shall be the candidates of that party, and it shall be the duty of the proper officers to print their names upon the official ballots, for use at the election, as is now or hereafter may be required by law. (Act 1907, Sec. 1, P. L. 199.)

Who declared nominees

111 Candidates for party offices, who receive a plurality of the votes cast for such candidates, shall be the party officers of such party. (Act 1907, Sec. 1, P. L. 199.)

Party officers

112 In case of a tie, the candidates receiving the tie vote shall cast lots before the county commissioners or the Secretary of the Commonwealth, as the case may be, and the one to whom the lot shall fall shall be entitled to the nomination or election. (Act 1907, Sec. 1, P. L. 199.)

Tie vote

Vacancies

113 Vacancies happening or existing after the date of the primary may be filled in accordance with the party rules, as is now or hereafter may be provided by law. (Act 1907, Sec. 1, P. L. 199.)

Watchers

114 Each candidate shall be entitled to have two watchers at the primaries, as at elections, only one of whom shall be entitled to be within the polling-room at one time. Their rights, duties and methods of appointment shall be as at elections. Each party or candidate may, at any time before the primary, present a petition to the court of common pleas of the proper county, setting forth the fact that it or he has reason to believe that in a certain district or districts fraud or unfair methods may be attempted; and if, upon a consideration of the facts presented in said petition, the court shall be of the opinion that said application is made in good faith, the said court shall appoint an overseer for said petitioner or petitioners, who shall be entitled to remain within the polling-place during the casting and the counting of the ballots. (Act 1906, Sec. 13, P. L. 43.)

Overseers

Police officers not
to be within 100
feet of polling
place

115 No police officer in commission, whether in uniform or in citizens clothes, shall be within one hundred feet of a polling place during the conduct of a primary election, unless in the exercise of his privilege of voting, or for the purpose of the serving of warrants or the preserving of the peace. (Act 1906, Sec. 14, P. L. 43.)

B. NOMINATIONS BY CONVENTIONS AND BY NOMINATION PAPERS

**Nomination by
Convention**

116 Any convention of delegates, or primary meeting of electors, or caucus held under the rules of a political party, or any board authorized to certify nominations representing a political party which, at the election next preceding, polled at least two per centum of the largest entire vote for any office cast in the State, or in the electoral district or division

thereof for which such primary meeting, caucus, convention or board, desires to make or certify nominations, may nominate one candidate for each office other than offices for which nominations are regulated by sections 78 to 115 of this Code, which is to be filled in the State, or in the said district or division, at the next ensuing election by causing a certificate of nomination to be drawn up and filed as hereinafter provided. Every such certificate of nomination shall be signed by the presiding officer and the secretary or secretaries of the convention, or primary meeting, or caucus, or board, who shall add thereto their places of residence, and shall be sworn or affirmed to by them before an officer qualified to administer oaths, to be true to the best of their knowledge and belief, and a certificate of the oath shall be annexed to the certificate of nomination: Provided, That if any political party has by its rules provided for a registration of candidates for nominations, and at the time limited for such registration, or at any subsequent time, by reason of withdrawal or other cause there shall be no more candidates for any office registered or remaining than are to be elected to such office, the person or persons so registered or remaining shall be deemed the nominee or nominees, with the same effect as if he or they had been nominated by a convention or primary meeting, or caucus, or board. And one or more or all the officers of the committee of such political party with which such registration shall be made, or the officer with whom it is made, shall make a certificate of such nomination in the same manner and with the same effect as if there had been a nomination by a convention or primary meeting or caucus or board. (Act 1897, Sec. 1, P. L. 179.)

Certificate of
Nomination

Nomination by
Registration

Certificate

117 Nominations of candidates for any public office other than candidates of political parties for offices for which nominations are regulated by sections 78 to 115 of this Code, may also be made by nomination papers, signed by qualified electors of the State, or of the electoral district or division

Nomination
papers

Number of
Signers

Affidavit

Party name

thereof for which the nomination is made, and filed in the proper office as provided in section 119 of this Code. Blank forms for making such nomination shall be furnished by the Secretary of the Commonwealth, and no other form than the ones so prescribed shall be used for such purpose. Where the nomination is for any office to be filled by the voters of the State-at-large, the number of qualified electors of the State signing such nomination paper, shall be at least one-half of one per centum of the largest vote for any officer elected in the State at the last preceding election at which a State officer was voted for. In the case of all other nominations the number or qualified electors of the electoral district or division, signing such nomination paper, shall be at least two per centum of the largest entire vote for any officer elected at the last preceding election in the said electoral district or division for which said nomination papers are designed to be made. Each elector signing a nomination paper shall add to his signature his place of residence and occupation, and no person may subscribe to more than one nomination for each office to be filled. The signature to each nomination paper and the qualification of the signers shall be vouched for by the affidavit of at least five of the signers thereof, which affidavit shall accompany the nomination paper: Provided, That if five of the electors composing any political body making a nomination by nomination papers shall file with the prothonotary of the county in which the nomination paper or papers are to be filed an affidavit setting forth that they have adopted a certain political appellation to designate their policy, subject to the limitations of this act regarding the selection of names, that thereafter such political body shall have the exclusive right to use the said name or appellation for the election for which such nomination or nominations are made, provided that a certificate from the prothonotary setting forth such a compliance with the act be filed with the nomination papers filed by such political body. (Act 1897, Sec. 1, P. L. 223.)

118 All certificates of nomination and nomination papers shall specify: One (1). The party or policy which such candidate represents, expressed in not more than three words; in the case of electors of President and Vice-President of the United States, the names of the candidates for President and Vice-President shall be added to the party or political appellation. Two (2). The name of each candidate nominated therein, his profession, business or occupation, if any, and his place of residence, with the street and number thereon, if any. Three (3). The office for which such candidate is nominated: Provided, That no words shall be used in any nomination papers, to describe or designate the party or policy, or political appellation, represented by the candidate named in such nomination papers as aforesaid, identical with the words used for the like purposes in certificates of nominations made by a convention of delegates, or primary meeting of electors, or caucus held under the rules of a political party, or any board authorized to certify nominations, representing a political party which, at the last preceding election, polled two per centum of the largest vote cast: And provided further, That any objections filed to a nomination certificate or paper on account of the party or political appellation used therein, or involving the right as defined by sections 116 and 117 of this Code, to file such certificate or paper, shall be decided by the court of common pleas on hearing as hereinafter provided. (Act 1897, Sec. 2, P. L. 224.)

Contents of Nomination Papers

Use of party name

Objections

119 Certificates of nomination for candidates for the offices of presidential electors and members of the House of Representatives of the United States and for State offices in cases where nominations to such offices may by law be made by certificate of nomination or nomination papers, including those of judges, Senators and Representatives, shall be filed with the Secretary of the Commonwealth at least forty-two days before the day of election for which the candidates are nominated, and nomination papers for can-

Filing Nomination Certificates Federal and State officers

Other officers	<p>didates for the said offices shall be filed with the said Secretary at least thirty-five days before the day of such election. Certificates of nomination and nomination papers for candidates for all other offices in cases where nominations to such offices may by law be made by certificate of nomination or nomination papers, except township and borough offices, shall be filed with the county commissioners of the respective counties at least twenty-eight and twenty-one days, respectively, before the day of election. Certificates of nomination and nomination papers for candidates for township and borough offices, and election officers and school directors in the same, shall be filed with the county commissioners at least eighteen and fifteen days, respectively, before the day of election. In determining or reckoning any period of time mentioned in this act, the day upon which the act is done, paper filed or notice given, shall be excluded from, and the day of election shall be included in the calculation or reckoning. (Act 1897, Sec. 3, P. L. 225.)</p>
Township and borough officers	
Examination of Certificates	<p>120 It shall be the duty of the officer or officers to whom any nomination certificate or paper is brought for the purpose of filing, to examine the said certificate or paper, and if it lack sufficient signatures or be otherwise manifestly defective, it shall not be filed, but the action of said officer or officers in refusing to receive a certificate or paper, may be reviewed by the court of common pleas of the county upon an application for a mandamus to compel its reception as of the date when it was brought to the office. All nominations, certificates and papers which have been filed shall be deemed valid, unless objections thereto are duly made, by writing filed in the court of common pleas of the county in which the certificate or paper objected has been filed, and with the officer or officers with whom such certificates have been filed, and within the following periods:</p>
Rejection	
Review	
Nominations, etc., when filed deemed valid	
Objections	
Time of filing	<p>First. In the case of certificates and papers filed with the Secretary of the Commonwealth, at least thirty-five days before the day of election, in the case of certificates of nomi-</p>

nation, and at least twenty-eight days before the day of election, in the case of nomination papers.

Second. In case of other certificates and papers, except those designed for borough and township officers, at least eighteen days before the day of election.

Third. In the case of other certificates and papers, designed for borough and township officers, at least twelve days before the day of election. In case the court is in session, one or more judges thereof shall proceed to hear such objections, without unnecessary adjournment or delay, and shall give such hearing precedence over all other business before him or them. With respect to certificates and papers filed with the Secretary of the Commonwealth, such objections shall be heard, and finally determined, at least sixteen days before the day of election. In case the court is not in session, any judge thereof, on the presentation to him of the certificate of the prothonotary that such objections have been filed, as aforesaid, shall proceed to hear such objections as aforesaid. No objection, of any nature whatever, shall be filed unless accompanied by proper proof of service of notice of the proposed objection upon at least one of the candidates named in the certificate or paper objected to, nor shall any objections be heard in the absence of any of the said candidates without proof of service or notice of the hearing upon them. If the court decide that the certificate or paper objected to was not filed by parties entitled, under this act, to file the same, it shall be wholly void; but if it be adjudged defective only, the court shall indicate the matters as to which it requires amendment, and the time within which such amendment must be made; and every certificate or paper, amended after the time when the names therein contained have been sent to the sheriff, shall be subject to the provisions of this act concerning substituted nominations. In case the objections filed to any nomination are not sustained by the court, the petitioner or petitioners shall be liable for and shall pay the whole of the costs of such proceedings, including all witness fees. The officers with whom nomina-

Hearing

Amendment

tion certificates and papers have been filed shall permit the political parties, or bodies, who have filed them, to amend them of their own motion, at any time prior to the printing of the ballot. (Act 1903, Sec. 1, P. L. 224.)

Withdrawal of
candidates

121 Any person whose name has been presented as a candidate may cause his name to be withdrawn from nomination, by request in writing signed by him and acknowledged before an officer qualified to take acknowledgments of deeds, and filed in the office where his nomination certificate or paper is on file fifteen days, or in the case of township and borough elections twelve days, previous to the day of the election; and no name so withdrawn shall be printed upon the ballots. (Act 1893, Sec. 7, P. L. 421.)

Nomination for
vacancy occurring
after last day

122 Where any office not in court of record shall for any cause become vacant after the time for making nominations for such office shall have elapsed, or when a writ for a special election to supply a vacancy shall direct such election to be held at a date which would prevent the making of nominations in time to comply with section 119 of this Code, nominations for the office to be filled may still be made in accordance with sections 116 and 117 of this Code, but in other respects the provisions of section 126 of this Code shall apply to such nominations. (Act 1893, Sec. 7, P. L. 421.)

Papers to be open
for inspection

123 All certificates of nomination and nomination papers when filed shall be open under proper regulations to public inspection, and shall be preserved not less than two years in the offices where they have been filed. (Act 1893, Sec. 8, P. L. 421.)

Secretary of
Commonwealth to
send list to
County Commis-
sioners

124 The Secretary of the Commonwealth shall, fourteen days at least previous to the day of any election of United States or State officers, or for the adoption of amendments to the Constitution of this Commonwealth, transmit to the county commissioners and the sheriff in each county, in which such election is to be held, duplicate official lists, stating the names and residences of, and parties or policies represented

by, all candidates whose nomination certificates or papers have been filed with him as herein provided for such election, and have not been found and declared to be invalid as provided in section six, and to be voted for at each voting place in each county, respectively, substantially in the form of the ballots to be used therein; duplicate copies of the text of all proposed constitutional amendments to be voted upon at such election. The county commissioners of each county shall also send to the sheriff of their county, at least ten days prior to the day of any general election, an official list, containing the names and party or political appellations of all candidates whose nomination certificates or papers have been filed with the said commissioners, as herein provided for such election, and to be voted for at each voting place in the county, substantially in the form of the ballots to be used therein. (Act 1903, Sec. 1, P. L. 338.)

County Commis-
sioners to send
list to Sheriff

125 In case of the death or withdrawal of any candidate nominated as herein provided, the party convention, primary meeting, caucus, or board, or the citizens who nominated such candidate, may nominate a substitute in his place, by filing in the proper office at any time before the day of election, a nomination certificate or paper which shall conform to all the requirements of this act in regard to original certificates or papers: Provided, That if the said convention or citizen shall have authorized any committee, or if any executive committee of any political party be authorized by the rules of said party, to make nominations in the event of the death or withdrawal of candidates, the said convention shall not be required to reconvene nor the said citizens to sign a new nomination paper, but the said committee shall have power to file the requisite nomination certificate or paper, which shall recite the facts of the appointment and powers of the said committee, (naming all its members), of the death, or withdrawal of the candidate, and of the action of the committee thereon, and the truth of these facts shall be verified by the affidavit annexed to the

Substituted
nominations

certificate or paper of two members of the committee, and also of at least two of the officers of the convention who made affidavit in support of the original certificate, or two of the citizens who made affidavit to the original paper: And provided also, That in case of a substituted nomination paper not filed by a committee, but signed by citizens, it shall only be necessary that two-thirds of the signers of the said paper shall have been signers of the original paper. (Act 1893, Sec. 11, P. L. 424.)

Objections

126 All substituted nomination certificates or papers may be objected to as provided in section 120 of this Code, and if a substituted certificate or paper be filed after the last day for filing the original certificate or paper, objections must be made within four days after the filing, and no objections as to form and conformity to law shall be received after the time set for printing the ballots. (Act 1893, Sec. 12, P. L. 424.)

Placing name of substitute on ballot

127 As soon as any substituted candidate shall have been duly nominated, his name shall be substituted by the proper officers in the place of that of the candidate who has died or withdrawn so far as time may allow, and in case a substituted nomination be filed with or transmitted to the county commissioners after the ballots have been printed, the said commissioners shall prepare and distribute with the ballots suitable slips of paper bearing the substituted name, together with the title of the office, and having adhesive paste upon the reverse side, which shall be offered to each voter with the regular ballot and may be affixed thereto. (Act 1893, Sec. 12, P. L. 424.)

III. FORM OF BALLOT

128 When Presidential electors are to be voted for, the names of candidates for Presidential electors shall be arranged in party groups, as presented in the several certificates of party nomination and nomination papers, and the groups shall be printed upon the ballot in order of the vote obtained in the State, at the last Presidential election, by the parties nominating, beginning with the party which obtained the highest vote: Provided, That in the case of political parties not represented on the ballot in the last Presidential election, the order of arrangement shall be alphabetically. (Act 1903, Sec. 2, P. L. 340.)

Arrangement of
ballot
Presidential
electors

129 At the head of each group of candidates shall be printed the appropriate party name or political appellation, together with the surnames of the candidates of such party for President and Vice-President, underneath which shall be printed the names of the appropriate candidates for Presidential electors. (Act 1903, Sec. 2, P. L. 340.)

Party name

130 At the right of the space containing the surnames of the candidates for President and Vice-President, and their party name or political appellation, there shall be a square, of sufficient size for the convenient insertion of a cross-mark (X), and at the right of the name of each candidate for Presidential elector, there shall be a similar, but smaller, square. (Act 1903, Sec. 2, P. L. 340.)

Presidential
square

131 The names of candidates for all other offices shall, in all cases, be arranged under the title of the office for which they are candidates, and be printed in the order of the votes obtained for the head of the respective tickets of the parties or bodies nominating at the last Presidential election, beginning with the party obtaining the highest vote: Provided, That in the case of parties not represented on the ballot at the last Presidential election, the name of the nominees of such parties shall be arranged alphabetically, according to the party name or political appellation. At

Candidates for
other offices

the right of the name of each nominee, or candidate, shall be printed the name or appellation of the political party presenting or nominating him, and at the right of such party name, or political appellation, there shall be a square of sufficient size for the convenient insertion of a cross-mark. (Act 1903, Sec. 2, P. L. 340.)

Candidates receiving more than one nomination

132 Whenever any candidate shall receive more than one nomination for the same office, his name shall be printed once, and the names of each political party, so nominating him, shall be printed to the right of the name of such candidate, arranged in the same order as candidates' names are grouped, that is to say, in the order of the votes obtained by such party at the last preceding Presidential election, beginning with the party obtaining the highest vote. If such candidate shall be nominated by any political party not represented on the ballot in the last Presidential election, the name of such party shall follow the other names, and be arranged alphabetically, according to the party name or appellation. At the right of every party name, or political appellation, shall be a square, of sufficient size for the convenient insertion of a cross-mark. (Act 1903, Sec. 2, P. L. 340.)

Blanks for insertion of other names

133 There shall be left, at the end of the groups of candidates for Presidential electors, and of the list of candidates for each different office (or under the title of the office itself for which an election is to be held, in case there be no candidates legally nominated therefore), as many blank spaces as there are persons to be voted for, for such office, in which space the voter may insert the name of any person whose name is not printed on the ballot as a candidate for such office, and such insertion shall count as a vote, without the cross-mark as hereinafter mentioned. (Act 1903, Sec. 2, P. L. 340.)

Constitutional Amendments or other questions

134 Whenever the approval of a constitutional amendment, or other question, is submitted to the vote of the people, such question shall be printed upon the ballot in brief form, and followed by the words, "yes" and "no," and if

such question be submitted at an election of public officers, it shall be printed after the list of candidates. (Act 1903, Sec. 2, P. L. 340.)

135 The ballots shall be so printed as to give to each voter a clear opportunity to designate his choice of candidates by a cross-mark (X), in a square of sufficient size at the right of the name of each candidate, and inside the line enclosing the column, and, in like manner, answers to questions submitted, by similar marks, in squares at the right of the words "yes" and "no," and on the ballot may be printed instructions how to mark, and such words as will aid the voter to do this, as "mark one," "mark two," and the like. Provided, That a voter may designate his choice of an entire group of candidates for Presidential electors by one cross-mark (X), in a large square, which shall be placed at the right of the names of the candidates for President and Vice-President, at the head of such group, and such mark shall be equivalent to a mark against every name in the group: Provided further, That each voter may have the opportunity of designating his choice for all the candidates, as nominated by one political party, there shall be printed on the extreme left of the ballot, and separated from the rest of the ballot by a space of at least one-half inch, a list of the names of all the political parties or groups of nominees, represented on such ballot and presenting candidates to be voted for at such election. Such names shall be arranged in the order of the votes obtained, at the last Presidential election, by the candidate at the head of the respective tickets of the parties or bodies nominating, beginning with the party that received the highest vote cast. Following the names of such political parties, shall be the names of the parties or principles not presented on the ballot at the last Presidential election, arranged alphabetically, according to the party name or political appellation. A square, of sufficient size for the convenient insertion of a cross-mark, shall be placed at the right of each party name or appellation. Every mark within such square shall be equivalent to a mark against every name designated by that political appel-

Marking ballot

Party square

lation, or party name, including candidates nominated by more than one party, or group of citizens. (Act 1903, Sec. 2, P. L. 340.)

Instructions

136 At the head of every ballot shall be printed the following instructions:

To vote a straight party ticket, mark a cross (X) in the square opposite the name of the party of your choice, in the first column. A cross-mark in the square opposite the name of any candidate, indicates a vote for that candidate. (Act 1903, Sec. 2, P. L. 340.)

Form of ballot
To be uniform

137 All the ballots used at the same voting place at any election shall be alike, and shall be at least six inches long and four inches wide. They shall be printed with the same kind or kinds of type, (which shall not be smaller than the size known as "brevier" or "eight-point body"), upon white paper without any impression or mark to distinguish one from another, and of sufficient thickness to prevent the printed matter from showing through. Each ballot shall be attached to a stub or counterfoil, and all the ballots for the same voting place shall be bound together in convenient numbers in books in such manner that each ballot may be detached and removed separately. (Act 1893, Sec. 15, P. L. 426.)

Correction of
mistakes

138 On the back of each ballot, or on the right hand side of the back, if the ballot is printed in two columns, there shall be printed as a caption, "official ballot for," followed by the designation of the voting place for which the ballot is prepared, the date of the election and a fac-simile of the signatures of the county commissioners of the respective counties who have caused the ballots to be printed. When it is shown by affidavit that mistake or omission has occurred in the publication of names or description of candidates, or in the printing of the ballots, the court of common pleas of the district or county, or any judge thereof, may upon the application of any qualified elector of the district or county require the county commissioners to correct the mistake or omission, or to show cause why they should not. (Act 1893, Sec. 15, P. L. 426.)

IV. CONDUCT OF ELECTIONS

A. GENERAL PROVISIONS

139 Special elections, and all elections for city, ward, borough and township officers, for regular terms of service, shall be regulated and conducted in like manner as general elections, and by the same officers, who shall perform the same duties and be subject to the same penalties as are provided for general elections, unless otherwise provided for in this act. (Act 1874, Sec. 23, P. L. 42.)

Special and local elections to be conducted in same manner as general elections

140 The first Tuesday after the first Monday of November of each year is hereby designated as a legal holiday, and shall, for all purposes whatever as regards the presenting for payment or acceptance, and as regards the protesting and giving notice of dishonor of bills of exchange, checks, drafts and promissory notes, made after the passage of this act, be treated and considered as the first day of the week, commonly called Sunday, and as public holidays, and all such bills, checks, drafts and notes, otherwise presentable for acceptance or payment on said day shall be deemed to be payable and be presentable for acceptance or payment on the secular or business day next succeeding such holiday. (Act 1897, Sec. 1, P. L. 188.)

Election days to be legal holidays

141 From and after the passage of this act it shall not be lawful for any voter in this Commonwealth, except when in actual military service of this State or the United States, at any election authorized by law, to cast his ballot at any polling-place outside the lawfully designated election district in which he is domiciled. (Act 1893, Sec. 1, P. L. 107.)

Voters to vote only in district of their domicile

142 No body of troops in the army of the United States or of this Commonwealth shall be present, either armed or unarmed, at any place of election within this Commonwealth, during the time of such election, Provided, That nothing

Troops not to be present at elections

herein contained shall be so construed as to prevent any officer or soldier from exercising the right of suffrage in the election district to which he may belong, if otherwise qualified according to law. (Act 1839, Sec. 95, P. L. 541.)

Sheriff's Proclamation

143 It shall be the duty of the sheriff of every county, at least ten days before any general election to be held therein, except borough and township elections, to give notice of the same by advertisements in at least three newspapers, if there be so many published in the county, two of said newspapers representing so far as practicable the political party which at the preceding November election cast the largest number of votes, and the other one of said newspapers representing so far as practicable the political party which at the preceding November election cast the next largest number of votes, and in addition thereto the sheriff of every county shall, at least ten days before any general election to be held in cities of the first, second and third classes, give notice of the same by proclamation posted up in the most conspicuous places in every election district in said cities of the first, second and third classes and in every such advertisement or proclamation.

I. Enumerate the officers to be elected and give a list of all the nominations made as provided in this act and to be voted for in such county, and the full text of all constitutional amendments submitted to a vote of the people, but the proclamation posted in each election district need not contain the names of any candidates but those to be voted for in such district.

II. Designate the place at which the election is to be held.

III. He shall give notice that every person, excepting justices of the peace, who shall hold any office or appointment of profit or trust under the government of the United States, or of this State, or of any city or incorporated district, whether a commissioned officer or otherwise, a subordinate officer or agent who is or shall be employed under the

Legislative, Executive or Judiciary Department of this State, or of the United States, or of any city or incorporated district, and also that every member of Congress and of the State Legislature, and of the select or common council of any city, or commissioners of any incorporated district, is, by law, incapable of holding or exercising at the same time the office or appointment of judge, inspector or clerk of any election of this Commonwealth, and that no inspector, judge or other officer of any such election shall be eligible to any office to be then voted for except that of an election officer. (Act 1895, Sec. 1, P. L. 392.)

144 It shall be the duty of the Sheriff of every county in this Commonwealth to give notice of the general election by publication of the same once a week in not more than four weekly or daily newspapers, published in the county, one of said newspapers to be published in the German language in counties where such newspaper is published, the first insertion to be at least twenty days before the time such election is to be held; in counties of the Commonwealth where no newspapers are published, the sheriff of any such county shall give notice of such general election by posters, to be posted in at least three public places in each election district and at the place where such election is to be held. (Act 1885, Sec. 1, P. L. 144.)

To be published
in German news-
paper

145 In all cases where a sheriff is directed to perform any duty by the provisions of this act, and said sheriff is absent from the district, or there is any vacancy in said office, the duty directed to be performed by the sheriff shall be done and performed by the coroner of the proper county, who shall be entitled to the same fees and subject to like penalties. (Act 1839, Sec. 96, P. L. 541.)

Coroner to give
notice when sher-
iff unable to act

146 The constable or constables of every township within this Commonwealth, shall give public notice of the township elections, by ten or more printed or written advertisements, affixed at as many of the most public places therein,

Constable to give
notice of town-
ship elections

at least ten days before the election, and in every such advertisement they shall enumerate, designate and give notice as sheriffs of counties in cases of general elections are directed, by section 143 of this Code, and in case of the neglect, refusal, death or absence of the aforesaid constable or constables, the duties herein enjoined on them shall be performed by the supervisors or assessor of the proper township, but said supervisors or assessor of the proper township shall not be required to give more than five days' notice. (Act 1840, Sec. 2, P. L. 684.)

Borough elections

147 It shall be the duty of the high constable of each borough to give notice of the annual elections of said borough, by setting up six advertisements in the most public places in said borough ten days previous thereto. (Act 1834, Sec. 14, P. L. 167.)

B. ELECTION DISTRICTS

Division of townships

148 The several courts of quarter sessions of this Commonwealth shall have authority, within their respective counties, to divide townships into two or more election districts, so as to suit the convenience of the inhabitants thereof. (Act 1876, Sec. 1, P. L. 178.)

Upon petition of 20 electors Court to appoint 3 Commissioners

149 Upon application by petition of twenty electors of the township, to said court of quarter sessions, for the purpose of dividing any township into election districts, said court shall appoint three impartial men to inquire into the propriety of granting the prayer of the petition, and it shall be the duty of the commissioners so appointed, or any two of them, to make a plot or draft of the proposed new election district or districts, if the same cannot be fully designated by natural lines or boundaries, all of which they or any two of them shall report to the next court of quarter sessions, together with their opinion of the same. (Act 1885, Sec. 1, P. L. 149.)

150 When a report has been made by said commissioners, it shall be confirmed nisi by said court, which confirmation shall become absolute, unless exceptions be filed to the same, not later than the third day of the next term of said court; and should exceptions be filed as aforesaid, they shall be disposed of, on evidence, as said court shall deem just: Provided, That if desired, a review may be had, if, in the opinion of the court, it may be necessary to secure a fair adjudication of the same; said review to be asked for before the report has been absolutely confirmed, however. (Act 1876, Sec. 3, P. L. 178.)

Confirmation of
report
Exceptions

Review

151 Upon the petition of a majority of the qualified electors voting at the last general election in each of two or more adjoining election districts in any township, borough or city, the same may be consolidated into one election district by the court of quarter sessions of the city or county in which they are located. (Act 1895, Sec. 1, P. L. 377.)

Consolidation of
adjoining districts

152 Upon application by petition of freeholders, as provided for in section 151 of this Code, for the purpose of annexing one election district or township to another, the court of quarter sessions shall appoint viewers or commissioners, as provided for in section 149 of this Code, whose duty it shall be to view the premises and make a draft of the townships or election districts proposed to be consolidated or annexed, and make their report at the next court of quarter sessions after their appointment; and if the said commissioners or a majority of them shall report in favor of the annexation or consolidation of the two townships or election districts, the said court shall confirm the same nisi, and order a special election to be held in each of the townships or election districts, at a time to be fixed by said court, not more than sixty days from the confirmation nisi, to vote upon the question of annexation; and if a majority of the qualified voters of each of said townships or election districts shall vote in favor of the annexation or consolidation of the said townships or election districts, the

Procedure

said court shall order and decree such consolidation or annexation of the said townships or election districts; and the place of holding elections of the townships or election districts so consolidated shall be at the usual place of holding elections in the more populous of the two townships or election districts so consolidated: Provided, That the court of common pleas shall have power to adjust the indebtedness of the said townships incurred prior to their consolidation, in such a manner that only the property within the old territorial limits of each township shall be liable for such indebtedness: And provided further, That in any case where a majority of voters in each of any two townships have heretofore voted in favor of annexation or consolidation of such townships, such annexation shall be legal and valid, as if done under the provisions of this act. (Act 1876, Sec. 5, P. L. 179.)

Compensation of
Commissioners

153 The compensation of said commissioners shall be the same as that now paid to road viewers, and to be paid in the same manner. (Act 1876, Sec. 6, P. L. 179.)

Costs to be paid
by County treasury

154 In all cases of the division or creation of election districts by the court of quarter sessions of any county in this Commonwealth, the said court shall order the costs and expenses thereof to be paid from the treasury of the proper county; and on such order being made, the county commissioners shall draw their warrant for the payment of the same. (Act 1875, Sec. 1, P. L. 29.)

Court to fix place
for holding election
And appoint election
officers

155 In all cases in which new townships, boroughs or election districts shall be erected, or two or more election districts consolidated, or the bounds of any election district changed the court of quarter sessions erecting or changing the same shall fix the places for holding the elections, which shall continue to be the place for holding elections until the same shall be changed according to the provisions of said act; and the said courts shall also appoint the officers for holding the first election in any township, borough or election district so erected. (Act 1855, Sec. 1 P. L. 5; Act 1893, Sec. 2, P. L. 107; Act 1895, Sec. 2, P. L. 377.)

156 It shall be lawful for the court of quarter sessions of the proper county at any time for any reason that may seem proper to the court upon a petition of at least ten qualified electors of any election district, and upon such notice to the county commissioners as the court may direct, to change the polling-place of said district: Provided, however, That the court may, in its discretion, direct that an election shall be held to settle the question as to where said polling-place shall be located. (Act 1893, Sec. 1, P. L. 106.)

Method of changing polling place
By petition to
Court of
Quarter Sessions

157 It shall be lawful for the county commissioners of any county of this Commonwealth, at any time at least three weeks prior to any general, municipal, township or special election, for any reason that may seem proper to the county commissioners, upon a petition of at least ten qualified electors of any township election division, to change the polling-place of said township or election division: Provided, however, That the said county commissioners may, in their discretion, direct that an election be held to settle the question as to where the said polling-place shall be located. (Act 1903, Sec. 1, P. L. 187.)

By petition to
County Commissioners

158 In cases where five (5) responsible citizens of any election district shall appear before any law judge, of any county in this Commonwealth, in chambers, there being no court sitting, and state on oath, that owing to fire or impossibility to obtain the room, or any other unavoidable cause, the election cannot be held in their district, at the place designated by the sheriff's proclamation, the judge shall have power to designate some other convenient place, and shall at once notify the constable of the district, who shall notify the election board and the citizens of the district and he shall receive for the same the like fee as for notifying the voters of an election: Provided, That this change shall not be made within less than three days of the election, except in cases where the building in which the election was to be held is destroyed by fire: Pro-

When Judge in
chambers may fix
place

vided further, That this act shall not apply to cities of the first class. (Act 1883, Sec. 1, P. L. 124.)

When Governor
may change poll-
ing place

159 It shall be lawful for the Governor of this Commonwealth, on the representation of the board of health, or of the municipal authority of any city, borough, town or incorporated district in this Commonwealth, that from the prevalence of any malignant or contagious disease, in such city, borough, town or district, the lives of the electors may be in danger by attending at the places fixed by law for holding elections within the same, to direct the sheriff of the proper county to give notice that the election for such city, borough, town or district, will be held at such place within the limits, or in the neighborhood of the same, as he, the Governor, may judge most safe and convenient; and it shall be the duty of such sheriff to give public notice of such place, in the manner hereinbefore required, at least seven days before the day of election, under the same penalty as is hereinafter provided. (Act 1839, Sec. 94, P. L. 540.)

Elections not to
be held in saloons

160 No public election shall be held in any room any part of which is used for the sale of liquors, if it be possible to obtain another room for that purpose in the vicinity, and it shall be the duty of the court of quarter sessions, or any law judge thereof, to inquire, upon the petition of five or more citizens resident in the election district, whether any such rooms are now designated as polling-places, and in such cases to select other places for holding the election. (Act 1887, Sec. 2, P. L. 126.)

C. ELECTION OFFICERS

All elections to be
conducted by elec-
tion officers

161 The general, special, city, incorporated district and township elections, and all elections for electors of President and Vice-President of the United States, shall be held and conducted by the inspectors and judges elected and by clerks appointed as hereinafter provided. (Act 1839, Sec. 14, P. L. 522.)

162 All persons acting as judges and inspectors of the general election in the city and county of Philadelphia may be re-elected, any law to the contrary notwithstanding. (Act 1851, Sec. 6, P. L. 726.)

Election officers
may be re-elected

163 There shall be elected in each election district in the State, one person as judge and two inspectors, to conduct the elections for two years. (Act 1874, Sec. 15, P. L. 39.)

Term of office

164 Each of such qualified citizens shall vote for one person as judge, and also for one person as inspector of elections, and the person having the greatest number of votes for judge shall be publicly declared to be elected judge, and the two persons having the greatest number of votes for inspectors shall, in like manner, be declared to be elected inspectors of elections. (Act 1839, Sec. 4, P. L. 519.)

Each voter to
vote for but one
inspector

165 In all election districts where a vacancy exists by reason of the disqualification of the officer, or by removal, resignation, death or other cause, in an election board heretofore elected or appointed, or that may hereafter be elected or appointed, the judge or judges of the court of common pleas of the proper county, upon proof furnished that such vacancy or vacancies exist, shall at any time before any general, municipal or special election, appoint competent persons, who shall be of good character and known in the district where the vacancy occurs, to fill said vacancies to conduct the election in said districts; and in the appointment of the inspectors in any election district both shall not be of the same political party, and the judge of election shall in all cases be of the political party having the majority of votes in said district as nearly as the said judge or judges can ascertain the fact, and in case of the failure of said judges of the courts to act on the selection of inspectors, the political majority of the judges shall select one of such inspectors and the minority judge or judges select the other. (Act 1897, Sec. 1, P. L. 38.)

Vacancies to be
filled by Common
Pleas

Tie vote

166 In all township elections of this Commonwealth for judges of the general and township elections where a tie shall exist in said election for judges, the inspector who shall have the highest number of votes in said election shall appoint a judge for that purpose.. And where ties shall exist in said election for two inspectors, the two candidates who received the same number of votes for inspector shall determine by lot which of them shall be the majority inspector, and the other candidate shall be the minority inspector, and the person so determined to be the majority inspector shall appoint a judge of elections in case of a tie vote for judges. (Act 1897, Sec. 1, P. L. 78.)

Meeting of Board

167 The inspectors and judges, chosen as aforesaid, shall meet at the respective places appointed for holding the election in the district to which they respectively belong, before seven o'clock in the morning of the Tuesday next following the first Monday of November in each and every year; and each of said inspectors shall appoint one clerk, who shall be a qualified voter of such district. (Act 1839, Sec. 15, P. L. 522.)

Clerks

Appointment in
case officers fail
to attend

168 In case the person who shall have received the second highest number of votes for inspector shall not attend on the day of any election, then the person who shall have received the second highest number of votes for judge at the next preceding election, shall act as inspector in his place; and in case the person who shall have received the highest number of votes for inspector shall not attend, the person elected judge shall appoint an inspector in his place; and in case the person elected a judge shall not attend, then the inspector who received the highest number of votes shall appoint a judge in his place; and if any vacancy shall continue in the board for the space of one hour after the time fixed by law for the opening of the election, the qualified voters of the township, ward or district, for which such officer shall have been elected, present at the place of election, shall elect one

of their number to fill the vacancy. (Act 1839, Sec. 16, P. L. 522.)

169 In case any clerk appointed under the provisions of this act, shall neglect to attend at any election during said year, it shall be the duty of the inspector who appointed said clerk (or the person filling the place of such inspector) to forthwith appoint a suitable person as clerk, qualified as aforesaid, who shall perform said duties for the year. (Act 1839, Sec. 17, P. L. 522.)

170 The court of common pleas of Philadelphia county is hereby vested with power to settle summarily any question that may arise concerning the officers to conduct said elections, and also to direct, according to the true intent and spirit of this act, which set of election officers shall act as aforesaid in any case of exigency which may arise or exist, not provided for by this act; and any vacancy that shall exist and continue for half an hour after the earliest time fixed by law for opening polls shall be filled in the manner now provided by law. (Act 1854, Sec. 31, P. L. 38.)

Disputes between
election officers

171 Whenever thirty citizens of any ward, in the city of Philadelphia, shall present a petition to the court of common pleas of the said city, setting forth that in any election division of said ward the inspectors of election are of the same political party, and have been chosen or elected in violation of the spirit and intention of the several acts of Assembly regulating elections, verified by the oath or affirmation of any two of them, it shall be the duty of the said court to grant a rule on the officers returned, chosen or elected for such division to show cause, if any they have, why the selection of such election officers should not be set aside; and if, upon the investigation of the matters set forth in the said petition, they shall be found to be true, it shall be the duty of said court to set aside the selection of such officers, and to appoint a judge, and two inspectors to serve in such election division for the next election and

When inspectors
are of same party

Rule to show
cause

Court to appoint

until others are duly elected or chosen; said appointments may be made from any part of the ward in which such election division is located; and the officers so appointed shall have and exercise the same powers and duties, and be liable to the same penalties as officers elected by the qualified voters now are. (Act 1866, Sec. 1, P. L. 969.)

Election officers
to be sworn

How oath admin-
istered

Penalties

Inspectors' oath

172 All judges, inspectors, clerks and overseers of any election shall, before entering upon their duties, be duly sworn or affirmed in the presence of each other. The judge shall be sworn by the minority inspector, if there shall be such minority inspector, and in case there be no minority inspector, then by a justice of the peace or alderman; and the inspectors, overseers and clerks shall be sworn by the judge. Certificates of such swearing or affirming shall be duly made out and signed by the officers so sworn, and attested by the officer who administered the oath. If any judge or minority inspector refuses or fails to swear the officers of election in the manner required by this act, or if any officer of election shall act without being first duly sworn, or if any officer of election shall sign the form of oath, without being duly sworn, or if any judge or minority inspector shall certify that any officer was sworn, when he was not, it shall be deemed a misdemeanor, and upon conviction, the officer or officers so offending shall be fined not exceeding one thousand dollars, or imprisoned not exceeding one year, or both, in the discretion of the court. (Act 1874, Sec. 9, P. L. 34.)

173 The following shall be the form of the oath or affirmation to be taken by each inspector, viz: "I, (A. B.) do — that I will duly attend to the ensuing election during the continuance thereof, as an inspector, and that I will not receive any ticket or vote from any person, other than such as I shall firmly believe to be, according to the provisions of the Constitution and the laws of this Commonwealth, entitled to vote at such election, without requiring such evidence of the right to vote as is directed by law, nor will I vexatiously de-

lay or refuse to receive any vote from any person who I shall believe to be entitled to vote as aforesaid, but that I will in all things truly, impartially and faithfully perform my duty therein, to the best of my judgment and abilities; and that I am not, directly nor indirectly, interested in any bet or wager on the result of this election.” (Act 1839, Sec. 19, P. L. 523.)

174 The following shall be the oath or affirmation of each judge, viz: “I, (A. B.) do — that I will as judge duly attend the ensuing election during the continuance thereof, and faithfully assist the inspectors in carrying on the same; that I will not give my consent that any vote or ticket shall be received from any person other than such as I firmly believe to be, according to the provisions of the Constitution and laws of this Commonwealth, entitled to vote at such election, without requiring such evidence of the right to vote as is directed by law, and that I will use my best endeavors to prevent any fraud, deceit or abuse, in carrying on the same by citizens qualified to vote, or others, and that I will make a true and perfect return of the said election, and will in all things truly, impartially and faithfully perform my duty respecting the same, to the best of my judgment and abilities; and that I am not, directly or indirectly, interested in any bet or wager on the result of this election.” (Act 1839, Sec. 20, P. L. 523.) Judges' oath

175 The following shall be the form of the oath or affirmation to be taken by each clerk, viz: “I, (A. B.) do — that I will impartially and truly write down the name of each elector who shall vote at the ensuing election, which shall be given me in charge, and also the name of the township, ward or district wherein such elector resides, and carefully and truly write down the number of votes that shall be given for each candidate at the election, as often as his name shall be read to me by the inspectors thereof, and in all things truly and faithfully perform my duty respecting the same to the best of my judgment and ability; and that I am not, directly Clerks' oath

or indirectly, interested in any bet or wager on the result of this election.” (Act 1839, Sec. 21, P. L. 523.)

Additional oath

176 In addition to the oath now prescribed by law to be taken and subscribed by election officers, they shall severally be sworn or affirmed not to disclose how any elector shall have voted, unless required to do so as witnesses in a judicial proceeding. (Act 1874, Sec. 9, P. L. 34.)

To be in duplicate

177 It shall be the duty of the said clerks forthwith to make out two copies of the forms of each of the said oaths or affirmations, which shall be severally subscribed by each of the inspectors, judges and clerks, and the said oaths or affirmations shall be certified under the hands of the persons by whom they shall be administered. (Act 1839, Sec. 22, P. L. 524.)

Powers of election officers
To administer oaths

178 Every inspector and judge of an election shall have full power and authority to administer oaths or affirmations to any and all persons requiring, or offering to be sworn or affirmed, in relation to the right of any person to vote at any election, authorized to be held under any law of this Commonwealth, and generally, shall in the exercise of the duties of their office as inspectors or judge, have the same power to administer oaths or affirmations required, or authorized to be administered by the provisions of this act, as justices of the peace have by the laws of this Commonwealth, and a violation of such oath or affirmation shall be subject to the same fines and penalties which are or may be inflicted by law, for a violation of such oath or affirmation, when administered by a justice of the peace. (Act 1840, Sec. 14, P. L. 687.)

To determine qualification of electors

179 The judges of the elections, within the limits of their respective wards, districts or townships, shall have power, and are hereby required to decide on the qualifications of any person claiming to vote at any election, whenever the inspectors thereof shall disagree upon the right of such person to vote, but not otherwise; and the inspectors thereof

shall, upon such decision, forthwith receive or reject the vote of such person, as the case may be. (Act 1839, Sec. 6, P. L. 520.)

180 On the petition of five or more citizens of any election district, setting forth that the appointment of overseers is a reasonable precaution to secure the purity and fairness of the election in said district, it shall be the duty of the court of common pleas of the proper county, all the law judges of the said court, able to act at the time, concurring, to appoint two judicious, sober and intelligent citizens of the said district, belonging to different political parties, overseers of election to supervise the proceedings of election officers thereof, and to make report of the same as they may be required by such court. Said overseers shall be persons qualified to serve upon election boards, and shall have the right to be present with the officers of such election, during the whole time the same is held, the votes counted, and the returns made out and signed by the election officers; to keep a list of the voters, if they see proper; to challenge any person offering to vote, and interrogate him and his witnesses, under oath, in regard to his right of suffrage at said election, and to examine his papers produced; and the officers of said election are required to afford to said overseers so selected and appointed, every convenience and facility for the discharge of their duties. And if said election officers shall refuse to permit said overseers to be present, and perform their duties as aforesaid, such officer or officers shall be guilty of a misdemeanor, and on conviction thereof, shall be fined not exceeding one thousand dollars, or imprisoned not exceeding one year, or both, in the discretion of the court. Or, if the overseers shall be driven away from the polls by violence or intimidation, all the votes polled in such election district may be rejected by the proper tribunal trying a contest under said election, or a part or portion of such votes aforesaid may be counted, as such tribunal may deem necessary to a just and proper disposition of the case. (Act 1874, Sec. 4, P. L. 33.)

Overseers
Appointment by
Common Pleas
upon petition .

Duties

**Compensation of
election officers****How paid**

181 The pay of the judges and inspectors, and several clerks to each election board, at all elections hereafter to be held within this Commonwealth, for the conduction of the same, shall be three dollars and fifty cents, at each election so held, without regard to time, to be paid by the treasurer of the proper county on orders to be drawn upon him by the commissioners which allowance shall be in full for their services and expenses other than the mileage hereinafter allowed, and in lieu of all kinds of refreshment which may have been customary to provide, and no such expense for refreshment shall be paid or allowed by the commissioners of any county. Provided, That the provisions of this section shall not repeal any special act now in force in any of the counties of this Commonwealth, and shall not apply to any city co-extensive with a county, and shall not alter or affect in any manner the compensation of return judges as fixed by existing laws. (Act 1903, Sec. 1, P. L. 220; Act 1839, Sec. 92, P. L. 540.)

**Compensation of
constables for
advertising and
attending elec-
tions**

182 Constables, supervisors or assessors as the case may be, of any ward, township, incorporated district or borough, shall be allowed and paid out of the county treasury, upon orders drawn by the county commissioners, two dollars for advertising ward, township, district and borough elections; and for attending general, special, township, ward or borough elections in addition to the mileage allowed by law, three dollars; which sum shall include pay for serving notices in writing to the persons elected at such special, township, ward or borough elections: Provided, That where any such election be held in any township, ward or borough, in which there are more than one election district or precinct, and a deputy constable is appointed to attend elections held at each of such districts or precincts, said deputy constables shall each receive the sum of three dollars. (Act 1899, Sec. 1, P. L. 32; act 1840, Sec. 11, P. L. 687; act 1899, Sec. 1, P. L. 3.)

D. DISTRIBUTION OF BALLOTS AND VOTING

183 All ballots cast in elections for public officers within this Commonwealth shall be printed and distributed at public expense as hereinafter provided. The printing of the ballots and of the cards of instruction for the elections in each county, and the delivery of the same to the election officers as hereinafter provided, and all other expenses incurred under the provisions of this act shall be a county charge, unless herein otherwise provided, the payment of which shall be provided for in the same manner as the payment of other election expenses. It shall be the duty of the Secretary of the Commonwealth to prepare forms for all the blanks made necessary or advisable by this act, and to furnish copies of the same to the county commissioners of each county, who shall procure further copies of the same at the cost of the county and furnish them to the election officers or other persons by whom they are to be used, in such quantities as may be necessary to carry out the provisions of this act. (Act 1893, Sec. 1, P. L. 419.)

Cost of printing
ballots, etc.

184 The county commissioners of each county shall cause all the ballots to be used therein to be printed. The said commissioners shall ascertain the office to be filled and shall be responsible for the accurate printing of the ballots in accordance with this act, and for the safe-keeping of the same while in their possession, or that of their subordinates or agents. (Act 1893, Sec. 13, P. L. 424.)

County Commis-
sioners to print

185 A record of the number of ballots printed and furnished to each voting place shall be kept and preserved by the county commissioners of the several counties. (Act 1893, Sec. 15, P. L. 426.)

Record of num-
ber of ballots

186 The county commissioners of each county shall provide for each election district in which an election is to be held, one set of such ballots of not less than seventy-five for every fifty and fraction of fifty voters therein, as contained

County Commis-
sioners to provide
ballots and in-
structions for
voters

upon the assessor's list. They shall also prepare full instructions for the guidance of voters, as to obtaining ballots, as to the manner of marking them and the method of gaining assistance, and as to obtaining new ballots in place of those accidentally spoiled; and they shall respectively cause the same, together with copies of sections 271, 272, 280, 296, 299, 311 inclusive of this Code, to be printed in large clear type on separate cards to be called Cards of Instruction. They shall also, in addition to the number of tickets required to be printed for general distribution, have printed five hundred official and one hundred sample ballots for every five thousand voters within the county, which tickets shall be kept at the office of the commissioners for the use of any district or districts, the tickets for which may be lost or destroyed. They shall also cause to be printed on tinted paper and without the facsimile endorsements, copies of the form of the ballot provided for each voting place at each election therein, which shall be called Specimen Ballots, and at each election they shall furnish to each voting place, together with the ballots to be used there, a sufficient number of cards of instruction and specimen ballots for use as required in section 198 of this Code. They shall also provide for each election district other than districts in cities of the first, second and third class, at every election therein, two copies of the assessor's list of voters, and shall deliver the same as such lists are now delivered, one copy to be called the "ballot check-list," for the inspectors in charge of the ballots, and the other copy to be called the "voting check-list," to be used in marking the name of those who have voted. (Act 1893, Sec. 16, P. L. 427.)

Extra ballots

Specimen ballots

Ballot check list
Voting check list

Ballot boxes, etc.

187 They shall also cause to be delivered to one of the inspectors of every election district, within their respective counties, a sufficient number of boxes to contain the tickets (unless the same has already been provided for said township), blank forms of election oaths, tally-papers, and returns made out in a proper manner, and headed as the nature of the election may require. (Act 1840, Sec. 7, P. L. 686.)

188 At township elections, they shall, in addition to the foregoing, deliver to the aforesaid inspectors a sufficient number of blank forms of certificates of election, for each person elected to any office voted for at township elections. (Act 1840, Sec. 7, P. L. 686.)

Certificates
of election

189 All the duties imposed by this act upon county commissioners shall be performed, in the city of Philadelphia, by the city commissioners. (Act 1874, Sec. 24, P. L. 42.)

City Commission-
ers in Philadel-
phia

190 The ballots, together with the specimen ballots and cards of instruction printed by the county commissioners as herein provided, shall be packed by them in separate sealed packages with marks on the outside clearly designating the election districts for which they are intended and the number of ballots of each kind enclosed. (Act 1893, Sec. 17, P. L. 427.)

How ballots to be
packed

191 They shall then be sent by the county commissioners of the respective counties to the judges of election at the several voting places so as to be received by them on the Saturday or Monday before the day of election. The respective judges of election shall on delivery to them of such packages, return receipts therefor to the commissioners, who shall keep a record of the time when and the manner in which the several packages are sent, and shall preserve for the period of one year, the receipts of the said judges of election. (Act 1893, Sec. 17, P. L. 427.)

Delivery to
Judges of Elec-
tion

192 The commissioners of any county may, if they prefer, instead of sending the packages to the judges or any number of them in the manner aforesaid, notify the judges of the election districts for which the said commissioners are required to provide ballots, to come to the said commissioners' office on the day before the election, at a time specified, and it shall be the duty of each of the said judges to come to the said office at that time, and there on presentation of his certificate of election as judge, to receive and receipt for one package of ballots, specimen ballots and cards of instruction, for use in his election district. He shall keep the said pack-

May require
Judges to call for
ballots

age sealed and shall be responsible for the safe-keeping thereof until the ballots are used at the election. In case a judge of the election is prevented by illness from performing the duties aforesaid, he shall depute one of the inspectors to act in his place. (Act 1893, Sec. 17, P. L. 427.)

In case ballots are lost

193 In case the ballots to be furnished to any voting place in accordance with the provisions of this act shall fail for any reason to be duly delivered, or in case after delivery they shall be destroyed or stolen, it shall be the duty of the judge of election of such voting-place to cause other ballots to be prepared substantially in the form of the ballots so wanting, and upon receipt of such other ballots from him accompanied by a statement under oath that the same have been so prepared and furnished by him, and that the original ballots have so failed to be received, or have been so destroyed or stolen, the election officers shall cause the ballots so substituted to be used in lieu of the ballots wanting as above. It shall be the duty of the county commissioners of each county to mail complete specimens of the ballots and other necessary papers by registered letter to the judge of elections of each election district, at least four days before the election, to enable him to comply with the directions of this section. (Act 1893, Sec. 18, P. L. 427.)

Commissioners to mail specimen ballots

Voting rooms
County Commissioners to provide

194 The county commissioners of each county shall provide for each election district therein, at each election, a room large enough to be fitted up with voting shelves and a guard rail as hereinafter provided. If in any district no such room can be rented or otherwise obtained, the said commissioners shall cause to be constructed for such district a temporary room of adequate size to be used as a voting room. They shall also cause all the said rooms to be suitably provided with heat and light, and with a sufficient number of voting shelves or compartments at or in which voters may conveniently mark their ballots, with a curtain, screen or door at the upper part of the front of each compartment, so that in the marking thereof they may be screened from the

Arrangement of booth

observation of others, and a guard rail shall be so constructed and placed that only such persons as are inside said rail can approach within six feet of the ballot-box and of such voting shelves or compartments. The arrangement shall be such that neither the ballot-box nor the voting-booths shall be hidden from view of those just outside the said guard-rail. The number of such voting shelves or compartments shall not be less than one for every seventy-five names on the assessor's lists; but shall not in any case be less than three for the voters qualified to vote at such voting place. No person other than the election officers and voters admitted as hereinafter provided, shall be permitted within the said rail, except by authority of the election officers for the purpose of keeping order and enforcing the law. Each voting shelf or compartment shall be kept provided with proper supplies and conveniences for marking the ballots. (Act 1893, Sec. 19, P. L. 428.)

Who admitted
within rail

195 The supervisors, road commissioners or other officers having in charge the constructing and keeping in repair the public roads in any township in this Commonwealth, are hereby authorized, at their option, to cause a suitable lot of ground to be procured and cause a suitable building to be erected thereon for a town house in which to hold elections, store road machinery, hold meetings of township officers, and for other township uses. (Act 1895, Sec. 1, P. L. 324.)

Supervisors may
erect buildings
for holding
elections, etc.

196 The commissioners of the several counties of this Commonwealth, are hereby authorized and empowered to fix the compensation for lights, rent and fuel for election purposes, in each and every township, borough, ward and election district in the respective counties, which said compensation shall be fixed and established at least once every three years, by resolution duly entered upon the minutes of said commissioners; and the said expenses shall be paid (on bills certified by election officers) by said respective counties, according to the compensation so ascertained and en-

Commissioners to
fix compensation
for use of rooms

tered upon said minutes, and not otherwise. (Act 1876, Sec. 1, P. L. 136.)

Time of opening
and closing polls

197 At all elections held under the laws of this Commonwealth the polls shall be open at seven o'clock a. m., and closed at seven o'clock p. m. (Act 1874, Sec. 5, P. L. 34.)

Cards of
Instructions
Specimen ballots

198 At the opening of the polls in each voting place the seals of the packages shall be publicly broken and the said package shall be opened by the judge of elections. The cards of instruction shall be immediately posted at or in each voting shelf or compartment provided in accordance with this act for the marking of the ballots, and not less than three such cards and not less than five specimen ballots shall be immediately posted in or about the voting room outside the guard-rail; and such cards and specimen ballots shall be given to any voter at his request. (Act 1893, Sec. 20, P. L. 429.)

One inspector to
have charge of
ballot check list,
and the other of
voting check list

199 At the opening of the polls it shall be the duty of the judge of election to designate one of the inspectors whose duty it shall be to have charge of the ballot check list, and the other inspector shall have charge of the voting check list. (Act 1874, Sec. 8, P. L. 34.)

Distribution of
ballots

200 Any person desiring to vote shall give his name and residence to one of the election officers in charge of the ballots, who shall thereupon announce the same in a loud and distinct tone of voice, and if such name is found upon the ballot check list by the inspector or clerks in charge thereof, he shall likewise repeat the said name, and the voter shall be allowed to enter the space enclosed by the guard-rail, unless his right to vote be challenged. No person whose name is not on the said list, or whose right to vote shall be challenged by a qualified citizen, shall be admitted within said guard-rail until he has established his right to vote in the manner now provided by law, and his name, if not on the check lists, shall then be added to both lists except in cities of the first, second and third classes, where, if

his name is not on registry list, he shall not be entitled to vote. As soon as a voter is admitted within the rail the election officer having charge of the ballots shall detach a ballot from the stub and give it to the said voter, but shall first fold it so that the words printed on the back and outside, as provided in section 138 of this Code, shall be the only wording visible and no ballot shall be voted unless folded in the same manner. Not more than one ballot shall be given to a voter except as provided in section 208 of this Code. As soon as a voter receives a ballot the letter "B" shall be marked against his name on the margin of the ballot check list; but no record of the number of the ballots shall be made on the said lists. Besides the election officers and such supervisors as are authorized by the laws of the United States or overseers appointed by the courts of this Commonwealth, not more than four voters in excess of the number of voting shelves or compartments provided, shall be allowed in said enclosed space at one time. (Act 1893, Sec. 21, P. L. 429.)

Number of persons allowed within rail

201 On receipt of his ballot, the voter shall forthwith, and without leaving the space enclosed by the guard-rail, retire to one of the voting shelves or compartments, and draw a curtain, or shut the screen or door, and shall then prepare his ballot as follows: (Act 1903, Sec. 3, P. L. 343.)

Method of marking ballot

202 If he desires to vote for every candidate of a political party, he may make a cross-mark in the appropriate square, opposite the name of the party of his choice, in the straight party column on the left of the ballot, and every such cross-mark shall be equivalent to a vote for every candidate for the party so marked. (Act 1903, Sec. 3, P. L. 343.)

203 If he desires to vote for an entire group of Presidential electors, he may place a cross-mark in the appropriate square, at the right of the name of the party of his choice. If he desires to divide his vote among candidates from different groups of Presidential electors, he shall make a cross-

mark in the appropriate square, to the right of the name of each candidate for Presidential elector for whom he desires to vote: Provided, That a mark in the straight party column, opposite the name of the party of his choice, shall also be counted as a mark for each Presidential elector nominated by such party. (Act 1903, Sec. 3, P. L. 343.)

204 He may vote, according to the above provisions, for the candidate of his choice for each office to be filled, according to the number of persons to be voted for by him for each office, or he may insert in the blank space provided therefor in accordance with section 133 of this Code, any name not already on the ballot. And in case of a question submitted to the vote of the people, he may mark in the appropriate margin or space a cross (X), opposite the answer which he desires to give. In all cases where, by existing laws, a voter is entitled to cast more than one vote for a single candidate, he shall place in the appropriate square instead of a cross (X), a number, which shall indicate the number of votes to be counted for the candidate whose name is so marked. (Act 1903, Sec. 3, P. L. 343.)

205 Before leaving the voting shelf or compartment the voter shall fold his ballot, without displaying the markings thereon, in the same way it was folded when received by him, and he shall keep the same so folded and deposit it in the ballot-box without undue delay, and shall quit the enclosed space immediately thereafter. (Act 1903, Sec. 3, P. L. 343.)

**Assistance of
voters**

206 If any voter declares to the judge of election that by reason of any disability he desires assistance in the preparation of his ballot, he shall be permitted by the judge of election to select a qualified voter of the election district to aid him in the preparation of his ballot, such preparation being made in the voting compartment. (Act 1893, Sec. 26, P. L. 432.)

207 It shall be the duty of each inspector who shall receive the ticket of an elector to call out aloud the name of such elector, which shall be entered by the clerks in separate lists, and the name shall be repeated by each of them, and the inspector shall insert the letter V in the margin of the alphabetical list, opposite the name of such elector, and if such elector shall have been sworn or affirmed, or produced a certificate or other evidence as before provided, of having been naturalized, the inspector shall also note the same on the margin of such list; and where proof of residence is made, shall also note the name of the person making such proof. (Act 1839, Sec. 70, P. L. 534.)

Record of persons
voting

208 No person other than the election officers shall take or remove any ballot from the voting place. If any voter inadvertently spoils a ballot he may obtain another upon returning the spoiled one. The ballots thus returned shall be immediately canceled and at the close of the polls shall be secured in an envelope, sealed and sent to the proper office, as required by law in the case of the ballots cast. (Act 1893, Sec. 25, P. L. 432.)

Spoiled Ballots

209 No voter shall be allowed to occupy a voting shelf or compartment already occupied by another, except when giving the help allowed by section 206 of this Code, nor to remain within said compartment more than three minutes in case all of such compartments are in use, and other voters are waiting to occupy the same. No voter not an election officer shall be allowed to reenter the enclosed space after he has once left it, except to give help as herein-after described. Each voter's name shall be checked on the voting check-list by the officer having charge thereof, as soon as he has cast his vote in the manner provided in section 207. It shall be the duty of the judge of election to secure the observation of the provisions of this section, to keep order in the room in which the voting is held and to see that no more persons are admitted within the enclosed space than are allowed by this act. Each party which has

Only one voter
to occupy com-
partment at same
time
Time allowed

Checking vote

Watchers

by its primary meeting, caucus, convention or board, send to the proper office a certificate of nomination, and each group of citizens which has sent to the proper office a nomination paper shall be allowed to appoint three qualified electors who must be three electors resident of the division in which they are authorized to act as watchers in each voting place without expense to the county, one of whom shall be allowed to remain in the room outside of the enclosed space. Each watcher shall be provided with a certificate from the county commissioners, stating his name and the names of the persons who have appointed him and the party or policy he represents; and no party or policy shall be represented by more than one watcher in the same voting room at any one time. Watchers shall be required to show their certificates when required to do so. Until the polls are closed, no persons shall be allowed in the room outside of the said enclosed space except these watchers, voters not exceeding ten at any one time who are waiting their turn to prepare their ballots, and peace officers when necessary for the preservation of the peace. No person when within the voting room shall electioneer or solicit votes for any party or candidate, nor shall any written or printed matter be posted up within said room except as required by law. When the hour for closing the polls shall arrive all persons within the enclosed space who have received ballots but have not yet deposited them, shall be required to mark and deposit their ballots forthwith, but no other person shall be allowed to vote. (Act 1903, Sec. 1, P. L. 213.)

Number of persons in room**Electioneering****Voting after close of polls****Improperly marked ballots
How counted**

210 If a voter has marked his ballot otherwise than as directed by this act, so that for any reason it is impossible to determine the voter's choice for any office to be filled, his ballot shall not be counted for such office; but the ballot shall be counted for all other offices for which the names of candidates have been properly marked. (Act 1903, Sec. 4, P. L. 345.)

**Only official
ballots to be
received**

211 No ballot without the official endorsement shall, except as herein otherwise provided, be allowed to be deposited

in the ballot-box, and none but ballots provided in accordance with the provisions of this act shall be counted. Ballots not marked, or improperly or defectively marked, shall be endorsed as defective, but shall be preserved with the other ballots. If any ballot appears to have been obtained otherwise than as provided in this act, the judge of elections shall transmit such ballot to the district attorney, without delay, together with whatever information he may have tending to the detection of the person who deposited the same. (Act 1903, Sec. 4, P. L. 345.)

Disposition of
defective ballots

212 No list or memorandum of the names of voters, except such lists as are expressly authorized by law, shall be made within the voting-room by any person or officer but watchers may keep their poll-books and challenge lists.

What memoranda
may be kept in
polling room

E. CANVASSING THE VOTE

213 After the closing of the polls and before the ballot-boxes are opened, all the lists of voters shall be placed in separate sealed covers properly marked, and the stubs of all the ballots used; together with all unused ballots and the ballot check-list, shall also be enclosed in a sealed package properly designating the voting place, which package shall be sent to the proper office as required by law in the case of the ballots cast, and neither the said package, nor the said lists of voters shall thereafter be opened except by the return judges, or in the case of a contest, or upon the order of a court of a competent jurisdiction. (Act 1893, Sec. 24, P. L. 431.)

Lists, ballot stubs,
to be sealed and
returned

214 The election officers only shall remain in the voting-room within the guard-rail, and shall there at once proceed to count the votes. Such counting shall not be adjourned or postponed until it shall have been fully completed. The officers in charge of the voting check-list shall, in the presence of the other officers and watchers, count in

Method of count-
ing votes

a distinct and audible voice the names checked on the said list, and announce the whole number thereof; and the list of voters, the stubs of ballots used, and all unused ballots, shall then be sealed up, as required by section 213. The ballot-box shall then be opened by the inspectors, the ballots taken therefrom, and audibly counted, one by one, by them, and when the count is completed, the whole number of ballots cast shall be announced; and the counting of the number of votes received by each person voted for shall then proceed. The judge, in the presence of the inspectors, shall read aloud the name or names marked or inserted upon each ballot, together with the party name, or political appellation, under which each vote was cast, and the answers marked thereon to the questions submitted, if any; and the clerks shall each carefully enter each vote as read, and keep account of the same in tally-papers prepared for the purpose. It shall be unlawful for either judge or inspectors while counting the ballots or the votes thereon, to have in his hand any pen, pencil, or stamp for marking ballots. (Act 1903, Sec. 5, P. L. 346.)

215 All ballots, after being removed from the box, shall be kept within the unobstructed view of those present in the voting-room, so that they may be able to see all the marks on each ballot, but out of their reach; until they are placed in the ballot box as required by law. The total vote, as soon as counted, shall be publicly announced. (Act 1903, Sec. 5, P. L. 346.)

Peace officers to
remain in room
but outside guard
rail

216 It shall be the duty of the police officers, constables and deputy constables, now required by law to be present at the polls, to remain in the voting-room, but outside of the guard-rail, while the votes are being counted, and preserve order therein. No person, except the said peace officers, when necessary for the preservation of the peace, or persons acting by their authority, shall enter into the space within the guard-rail, or converse with any election officer, in any way after the polls are closed and until the counting of the votes has been completed. (Act 1903, Sec. 5, P. L. 346.)

217 As soon as the count shall be finished, the tickets, list of taxables, one of the lists of voters, one of the tally-papers and one of the certificates of the oath or affirmation taken and subscribed by the inspectors, judges and clerks, and one of the triplicate returns, shall all be carefully collected and deposited in one or more of the ballot-boxes; and such box or boxes, being closely bound round with tape, shall be sealed by the inspectors and judge of the election, and together with the remaining ballot-boxes, shall within one day thereafter be delivered by one of the inspectors to the nearest justice of the peace, who shall keep such boxes containing the tickets and other documents, (said justice of the peace to receive the sum of three dollars per year, for all services rendered in the care of the ballot-box or boxes placed in his custody, said sum to be paid by the county treasurer upon an order drawn by the county commissioners,) to answer the call of any persons or tribunal authorized to try the merits of such election. (Act 1903, Sec. 1, P. L. 217; Act 1909, Sec. 1, P. L. 425.)

Tickets, one of voters lists, tally papers, etc., to be deposited with Justice of Peace

218 If any justice of the peace shall refuse to receive any ballot-box delivered to him, as is hereinbefore provided, or having received the same, shall neglect the safe-keeping thereof, he shall, on conviction of any such refusal or neglect, be fined in any sum not less than one hundred, nor more than one thousand dollars. (Act 1839, Sec. 127, P. L. 547.)

219 Whenever a place has been or shall be provided by the authorities of any city, county, township or borough, for the safe-keeping of ballot-boxes, the judge and minority inspector shall, after the election shall be finished, and the ballot-box or boxes containing the tickets, list of voters and other papers, have been securely bound with tape and sealed, and the signatures of the judge and inspectors affixed thereto, forthwith deliver the same, together with the remaining boxes, to the mayor and recorder of such city, or in counties, townships or boroughs, to such person or persons as the

Disposition of ballot boxes

court of common pleas of the proper county may designate, at the place provided, as aforesaid, who shall then deposit the said boxes and keep the same to answer the call of any court or tribunal authorized to try the merits of such election. Whenever the election officers of any election district shall require the election boxes of such district to hold any election which, by law, they are or shall be required to hold, they shall keep the same securely in their possession without opening, until the morning of such election, and until they shall severally be sworn or affirmed not to disclose how any elector shall have voted, and after being so sworn or affirmed, they shall open the said boxes and burn and totally destroy all the ballots and other papers which they shall find therein, before proceeding to hold such election. (Act 1909, Sec. 1, P. L. 425.)

In Philadelphia

220 The commissioners for the city of Philadelphia shall provide a fire proof room, or vault, in the public buildings of the said city, or some other suitable place, at which the judge of the elections, after the closing of the polls and the requirements of the law have been complied with, shall forthwith there deliver to the mayor and prothonotary of the city of Philadelphia the said ballot-boxes; the said room or vault shall not be accessible to any other person than the mayor and prothonotary aforesaid, who shall be present and receive, at the said room, or vault, the ballot-boxes from the judges as aforesaid. The mayor and prothonotary aforesaid shall not take or open, nor permit to be taken, or opened, any ballot-box deposited as aforesaid, for the space of one year after the same has been therein deposited, except when they shall be called upon by some court or other tribunal authorized to try the merits of such election; and after such trial or investigation it shall be the duty of the mayor and prothonotary aforesaid to have said box or boxes returned and deposited as aforesaid. (Act 1861, Sec. 11, P. L. 577.)

221 The officers of election shall make a full return of the votes cast in triplicate, with a return sheet in addition, in all of which the votes cast for each candidate by each political party or body of which such candidate is the nominee, as the same shall appear upon the ballots cast, shall be given after his or her name, first in words and again in figures, and shall be signed by all of said officers and certified by overseers, if any, or if not so certified, the overseers and any officer refusing to sign or certify, or either of them, shall write upon each of the returns his or their reasons for not signing or certifying them. The vote, as soon as counted, shall also be publicly and fully declared from the window to the citizens present, and a brief statement showing the votes received by each candidate shall be made and signed by the election officers as soon as the vote is counted, and the same shall be immediately posted up on the door of the election house for information of the public. The triplicate returns shall be enclosed in envelopes and be sealed in presence of the officers, and one envelope, with the unsealed return-sheet, given to the judge, which envelope shall contain also one list of voters, tally-paper, and oaths of officers, and another of said envelopes shall be given to the minority inspector, and the third of said triplicate returns shall be placed in the box and sealed up with the ballots as hereinbefore provided. All judges living within twelve miles of the prothonotary's office, or within twenty-four miles, if their residence be in a town, village or city upon the line of a railroad leading to the county seat, shall, before two o'clock post meridian of the day after the election, and all other judges shall, before twelve o'clock meridian of the second day after the election, deliver said return, together with the return-sheet, to the prothonotary of the court of common pleas of the county, which said return-sheet shall be filed, and the day and hour of filing marked thereon, and shall be preserved by the prothonotary for public inspection. At twelve o'clock on the said second day following any election, the prothonotary of the court of

Returns

Triplicate returns

Return to Prothonotary

Prothonotary to present returns to Common Pleas

Palpable fraud or
mistake

Returns of Town-
ship and Borough
elections

common pleas shall present the said returns to the said court. In counties where there is no resident president judge, the associate judges shall perform the duties imposed upon the court of common pleas, which shall convene for said purpose; the returns presented by the prothonotary shall be opened by said court and computed by such of its officers and such sworn assistants as the court shall appoint, in the presence of the judge or judges of said court, and the returns certified and certificates of election issued under the seal of the court as hereinafter provided; and the vote as so computed and certified shall be made a matter of record in said court. The sessions of the said court shall be open to the public. And in case the returns of any election district shall be missing when the returns are presented, or in case of complaint of a qualified elector under oath, charging palpable fraud or mistake, and particularly specifying the alleged fraud or mistake, or where fraud or mistake is apparent on the return, the court shall examine the return, and if in the judgment of the court it shall be necessary to a just return, said court shall issue summary process against the election officers and overseers, if any, of the election district complained of, to bring them forthwith into the court, with all election papers in their possession; and if palpable mistake or fraud shall be discovered, it shall, upon such hearing as may be deemed necessary to enlighten the court, be corrected by the court, and so certified; but all allegations of palpable fraud or mistake shall be decided by the said court within three days after the day the returns are brought into court for computation; and the said inquiry shall be directed only to palpable fraud or mistake, and shall not be deemed a judicial adjudication to conclude any contest now or hereafter to be provided by law. Nothing in this act shall require the returns of elections of township or borough officers to be made to the court as directed in this section; but all returns of the election of township and borough officers shall be made as hereinafter provided.

In counties where there are three or more judges of said court learned in the law, at least two judges shall sit to compute and certify returns, unless unavoidably prevented. If any of the said judges shall himself be a candidate for any office at any election, he shall not sit with the court, or act in counting the returns of such election, and in such cases the other judges, if any, shall act; and if in any county there shall be no judge qualified to hold the said court, under the provisions of this act, present and able to act, then, and in every such case, the register of wills, the sheriff and the county commissioners of the proper county shall be and constitute a board who, or a majority of whom, shall have and exercise all the powers and perform all the duties vested in, or required to be performed by the court of common pleas of such county, by and under the provisions of this section; but none of the said officers shall act as a member of such board when himself a candidate for any office at the election, the returns of which the said board is required to count under the provisions of this section. The returns required by this act to be presented by the prothonotary of the courts of common pleas of Philadelphia and Allegheny, respectively, shall be presented to such two or more of the judges of the several courts of common pleas of said counties, respectively, as the judges of said courts, or a majority of them, may designate to perform the duty of receiving, computing and certifying said returns. (Act 1909, Sec. 1, P. L. 425; Act 1903, Sec. 5, P. L. 346.)

What judges to
compute returns

222 The officers and assistants appointed by the court shall, in the presence of the judges, make out returns in the manner hereinafter directed, which shall be signed by all the judges present, and attested by said clerks; and it shall not be lawful for said judges or clerks, in casting up the votes which shall appear to have been given, to omit or reject any part thereof, except where, in the opinion of said judges, such certificate is so defective as to prevent the same from being understood and computed in adding together the num-

Defective returns

ber of votes ; in which case, it shall be the duty of said clerks to make out a true and exact copy of said paper or certificate, to be signed by said judges, and attested by said clerks, and attached to, and transmitted with said return (where the same is directed to be transmitted) to the Secretary of the Commonwealth, and the original paper shall be deposited in the prothonotary's office, and by said officer copied and transmitted, with the return of said election, to the Secretary aforesaid.

Number of
returns

I. Duplicate returns of all the votes given for every person and persons, who shall have been voted for, for any office or station, which the electors of the county are entitled to choose of themselves, unconnected with any other county or district.

II. Like returns of all the votes given in the county, for every person voted for as Governor.

III. Triplicate returns of all the votes given for any person voted for in the county, as electors of President and Vice-President of the United States. (Act 1839, Sec. 79, P. L. 537.)

Said returns shall in every case state the number of votes cast for each candidate by each political party of which such candidate is a nominee. (Act 1903, Sec. 5, P. L. 346.)

Certificate of
election to be
sent to persons
elected

223 It shall also be the duty of the return judges, in every case, to transmit to each of the persons elected to serve in Congress, or in the Senate, or in the House of Representatives of this Commonwealth, a certificate of his election, within five days after the day of making up such return. (Act 1839, Sec. 83, P. L. 539.)

Disposition of
returns

224 When the returns shall be completed, the president of the board of judges aforesaid shall forthwith lodge one of each of such returns in the office of the prothonotary of the court of common pleas of the county ; and in the case of an election of electors for President and Vice-President of the United States, one other of the returns in the same

office; and the other duplicates shall be transmitted as follows, viz:

I. In case of a Governor, the remaining duplicate shall be inclosed in an envelope, directed to the (President) of the Senate, and indorsed according to the fact, which having been sealed, shall be inclosed in another envelope, sealed and directed to the Secretary of the Commonwealth; and the same shall forthwith be placed, by the said president in the nearest post office.

II. In case of electors of President and Vice-President of the United States, and of members of the House of Representatives of the United States, and of county officers to be commissioned by the Governor, the remaining duplicate shall be inclosed in an envelope, sealed and directed to the Secretary of the Commonwealth, and in like manner placed, by the said president in the nearest post office.

III. In case of the election of a Senator or Senators of this Commonwealth, the same shall be inclosed in an envelope, sealed and directed "To the Senate of Pennsylvania;" and in case of the election of a member or members of the House of Representatives of this Commonwealth, the same shall, in like manner, be inclosed in an envelope, sealed and directed "To the House of Representatives of Pennsylvania;" and each of said returns shall be inclosed in an envelope, and directed to the Secretary of the Commonwealth, and in like manner placed, by said president, in the nearest post office. (Act 1839, Sec. 80, P. L. 537.)

In case of election of county commissioners and county auditors, one copy of the return of election shall be inclosed in an envelope, sealed and directed "To the Commissioners" of the proper county. (Act 1840, Sec. 8, P. L. 686.)

225 When two or more counties, or parts of two or more counties, are connected for the election of any officer, the courts of such counties, or parts of counties, comprising the district, shall each appoint a return judge, resident within such district, to meet within seven days after the day of the

When two or more counties compose a district

election of such officer, at such place as is required by law, or if no place of meeting is designated by law, at such place within such district where the returns of the election of such officer shall, by law, be directed to be filed, to compute and certify the vote of such district, and it shall be the duty of the return judges, in such case, to transmit to the person elected, one of the triplicate returns as such officer's certificate of his election, within five day after the day of making up such return. All officers provided for by this section shall be compensated as like officers are paid by existing laws. (Act 1909, Sec. 1, P. L. 425; Act 1903, Sec. 5, P. L. 346.)

The judges of the several counties having met as aforesaid, shall cast up the several county returns, and make triplicate returns of all the votes given for such office, in said district, and of the name of the person or persons elected, and one of said returns for each office shall be deposited in the office of the prothonotary of the court of common pleas of the county in which they shall meet, and another shall be, by said judges, deposited in the nearest post office, sealed and directed to the Secretary of the Commonwealth, in the manner directed in Section 224 and the third shall be transmitted to the person elected as his certificate of election. (Act 1839, Sec. 82, P. L. 538; Act 1909, Sec. 1, P. L. 425.)

Returns of Town-
ship and Borough
elections

226 All returns of the election of township and borough officers shall be enclosed in a sealed cover, directed to the prothonotary of the court of common pleas of the proper county and shall by some one of the election officers be delivered into his office within three days of such elections and filed therein. (Act 1909, Sec. 1, P. L. 425.)

Where Township
or Borough is
is divided

227 The judge, inspectors and clerks of each election district of any borough, ward or township in the counties of this Commonwealth, which shall have been divided by the court into separate election districts, shall make out a complete return of all the votes given at any borough, ward or township election, designating the number of votes each person received; and the judge and inspectors shall appoint one

of their number for return judge, to meet the other return judge or judges of the said borough, ward or township in said county, at the oldest election place on the third day after any borough, ward or township election, and then add together the number of votes given for each person voted for, and make out the returns, as the nature of the election may require, complying in all respects with the provisions of existing election laws; and, after the performance of said duties, appoint one of their number, by consent or lot, to deliver the full returns to the prothonotary of the court of common pleas of the said county. (Act 1860, Sec. 1, P. L. 609; Act 1909, Sec. 1, P. L. 425.)

228 As soon as the election for inspectors and judges of election shall be finished, the inspectors and judges of such election shall make out a certificate of election, for each person chosen as an inspector, judge or township officer, which certificate shall be delivered to the person so chosen, or left at his usual place of abode by the constable of the proper ward, township, district or borough within five days after such election. (Act 1840, Sec. 1, P. L. 683.)

Certificate of
election

229 Every judge of election shall be allowed six cents per mile for each mile necessarily traveled in delivering the return of the township election of his proper township, to the prothonotary of the court of common pleas; said mileage to be computed circular, and paid out of the county treasury on orders drawn by the commissioners in the usual manner; Provided, That no compensation shall be paid where the return is not delivered within the time prescribed by law; And provided further, That return judges shall be allowed daily pay at the rate of two dollars per day for making returns of township elections. (Act 1895, Sec. 1, P. L. 290; Act 1909, Sec. 1, P. L. 425.)

Mileage

230 Every return judge shall be allowed out of the treasury of his proper county the sum of ten cents for every mile he shall necessarily have traveled in going to the place ap-

pointed by law for the meeting of return judges, and in returning thence to his own house. (Act 1839, Sec. 93, P. L. 540.)

Returns not
received in time
to be void

231 Whenever the returns of an election for Governor shall not be received from any county by the Secretary of the Commonwealth before the election of Governor shall be published, every such return so delayed shall be considered as void, unless the election be contested, in which case such returns shall be allowed to be of the same validity, and liable to the same exceptions, as other returns received in due time. (Act 1839, Sec. 91, P. L. 540.)

Prothonotary to
transmit returns
to Secretary of
Commonwealth

232 It shall be the duty of the prothonotary of every county to whom the return of any election shall be delivered by the judges as aforesaid, where said judges are required to send a copy of said return to the Secretary of the Commonwealth, to make out a copy of such return, certified under his hand and official seal, and forthwith to transmit such copy, under a sealed cover, to the Secretary of the Commonwealth, by placing the same in the nearest post office. It shall also be the duty of the prothonotary of every county to record all the election returns in a book to be procured for that purpose; and to lay the returns of the election of county commissioners and county auditors, and of all township officers, before the court of quarter sessions of such county. (Act 1839, Sec. 84, P. L. 539.)

Any person may
obtain certified
copy of list of
voters, etc.

233 It shall also be the duty of every prothonotary to give a certified copy of the list of voters and other papers deposited in his office by the judges of an election, to any person applying for the same, on payment of the usual fees, as in other cases. (Act 1839, Sec. 85, P. L. 539.)

Secretary of
Commonwealth to
notify Prothono-
tary when returns
not received

234 If the returns of any elections, which by this law are directed to be transmitted to the Secretary of the Commonwealth, shall not be received within fifteen days after the same are required to be deposited in the post office, it shall be the duty of said Secretary to forthwith notify the pro-

thonotary of the proper county to transmit, without delay, a certified copy of such returns. (Act 1839, Sec. 86, P. L. 539.)

235 It shall be the duty of the Secretary of the Commonwealth, on the receipt of the returns of the election of any township or county officer, who is by law to be commissioned by the Governor, to forthwith lay the same before him; and on the first Tuesday in January, in each and every year, as soon as the Senate shall convene, all returns of the election of Senators for that year to the President of the Senate. (Act 1839, Sec. 87, P. L. 539.)

To lay returns
of township and
county officers
before Governor

Of Senators
before the
President

236 It shall be the duty of the said Secretary, between the hours of eleven o'clock a. m., and one o'clock p. m., of the first Tuesday in January, of each and every year, to take into the hall of the House of Representatives, the several returns of the elections of members of said House. (Act 1839, Sec. 88, P. L. 539.)

Of Representa-
tives

237 It shall be the duty of the said Secretary, within five days after the meeting of the General Assembly, to deliver to the President of the Senate the returns of the election of Governor received by him from the several counties of this Commonwealth. (Act 1839, Sec. 90, P. L. 540.)

Of Governor

238 Whenever the Legislature shall not be assembled, and a State Treasurer or Auditor-General shall have been elected at the preceding annual election, the Governor, the president judge of the Twelfth judicial district, the President pro tem. of the Senate, the Speaker of the House of Representatives, four members of the Senate, and six members of the House of Representatives, to be selected in the manner hereinafter provided, shall meet in the Senate chamber, at Harrisburg, at twelve o'clock noon, on the third Tuesday of January, succeeding each election of a State Treasurer or Auditor-General, and they, or a majority of them, being so convened, shall proceed to open, compute and publish the returns of the election for State Treasurer

Computation of
Returns for State
Treasurer and
Auditor-General

and Auditor-General, and shall file in the office of the Secretary of the Commonwealth a certificate, signed by each of them, setting forth the aggregate number of votes received by each person voted for at such election; the Governor shall, within ten days thereafter, declare by proclamation the name of the person elected to each of said offices. (Act 1879, Sec. 1, P. L. 51.)

239 The four members of the Senate and six members of the House of Representatives aforesaid, shall be selected by each House proceeding, at twelve o'clock noon on the last Tuesday of the regular session preceding the annual election at which any State Treasurer or Auditor-General is to be elected, to choose by viva voce vote, the number of members aforesaid, each Senator being entitled to vote for but two members, and each member of the House entitled to vote for three members, and the four Senators and six Representatives receiving the highest number of votes shall be the persons named in the first section of this act. (Act 1879, Sec. 2, P. L. 51.)

Of Presidential
electors

240 It shall be the duty of the Secretary of the Commonwealth, on receiving the returns of the election of electors, to lay them before the Governor; who shall enumerate and ascertain the number of votes given for each person so voted for, and shall thereupon declare, by proclamation, the names of the persons duly elected; and shall cause a notification of his election to be delivered to each person so chosen, on or before the last Wednesday in the month of November next after such election. (Act 1839, Sec. 29, P. L. 525.)

Meeting of elec-
tors

241 The electors chosen as aforesaid shall assemble at the seat of government of this Commonwealth, at twelve o'clock of the day, which is or may be directed by the Congress of the United States, and shall then and there perform the duties enjoined upon them by the Constitution and laws of the United States. (Act 1839, Sec. 30, P. L. 525.)

If any such elector shall die, or from any cause fail to attend at the seat of government at the time appointed by law the electors present shall proceed to choose *viva voce* a person to fill the vacancy occasioned thereby, and immediately after said choice the name of the person so chosen shall be transmitted by the presiding officer of the college to the governor, whose duty it shall be forthwith to cause notice in writing to be given to such person, and the person so elected (and not the person in whose place he shall have been chosen) shall be an elector, and shall with the other electors perform the duties enjoined on them as aforesaid. (Act 1839, Sec. 31, P. L. 525.)

242 Every elector aforesaid shall receive from the State Treasury the sum of three dollars for every day spent in traveling to, remaining at, and returning from the place of meeting aforesaid, and shall be entitled to mileage at the rate of three cents per mile to and from their homes, to be computed by the ordinary mail route between their homes and the place of meeting aforesaid. And the contingent expenses of the electoral college, not exceeding one hundred dollars in amount, shall likewise be paid by the State Treasurer, in both cases upon warrants drawn by the presiding officer of the college. (Act 1893, Sec. 1, P. L. 129.)

Compensation of
electors

243 It shall be the duty of the Governor, on the receipt of the returns of the election of members of the House of Representatives of the United States as aforesaid, by the Secretary of the Commonwealth, to declare by proclamation the names of the persons so returned as elected in the respective districts; and he shall also, as soon as conveniently may be thereafter, transmit the returns so made to the House of Representatives of the United States. (Act 1839, Sec. 25, P. L. 524.)

Representatives
in Congress

F. DUTIES OF PEACE OFFICERS

To preserve peace
at polls

244 It shall be the duty of every mayor, sheriff, deputy sheriff, alderman, justice of the peace and constable or deputy constable of every city, county and township or district within this Commonwealth, whenever called upon by any officer of an election, or by any three qualified electors thereof, to clear any window, or avenue to any window, at the place of the general election, which shall be obstructed in such a way as to prevent voters from approaching the same, and on neglect or refusal (so) to do, on such requisition, said officer shall be deemed guilty of a misdemeanor in office, and on conviction shall be fined in any sum not less than one hundred and not more than one thousand dollars. And it shall be the duty of the respective constables of each ward, district or township within this Commonwealth to be present in person, or by deputy, at the place of holding such elections in said ward, district or township, for the purpose of preserving the peace, as aforesaid. (Act 1839, Sec. 111, P. L. 543.)

To report disorder
to Court

245 It shall be the duty of every peace officer, as aforesaid, who shall be present at any such disturbance at an election as is described in this act, to report the same to the next court of quarter sessions, and also the names of the witnesses who can prove the same; and it shall be the duty of the said court to cause indictments to be preferred before the grand jury against the persons so offending. (Act 1839, Sec. 112, P. L. 544.)

Court to examine
under oath

246 It shall be the duty of the several courts of quarter sessions of this Commonwealth, at the next term of said court after any election shall have been held under this act, to cause the respective constables in said county to be examined on oath, as to whether any breaches of the peace

took place at the election within their respective townships, wards or districts; and it shall be the duty of said constables respectively to make return thereof as part of their official return at said court. (Act 1839, Sec. 114, P. L. 544.)

247 It shall not be lawful for the sheriff of any county co-extensive in boundaries with any city of the first class, to appoint any deputies to be present and act as such, for preserving the peace, or for any other purpose, at any election polls within said cities of the first class. (Act 1877, Sec. 1, P. L. 36.)

Sheriff not to
appoint deputies
at any election in
Philadelphia

V. ELECTION CRIMES AND PENALTIES

A. OFFENSES AGAINST PERSONAL REGISTRATION LAWS

Disobeying order
of Commissioners

248 Any person who wilfully disobeys a lawful order of the registration commissioners shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars. (Act 1906, Sec. 18, P. L. 61.)

Permitting false
registration
Preventing regis-
tration

249 A registrar who intentionally registers or permits to be registered, a person not lawfully entitled to be registered, or who intentionally refuses to register a person lawfully entitled to be registered, or who intentionally assists in preventing such person from being registered, shall be guilty of a misdemeanor, and shall, upon conviction, be sentenced to pay a fine not exceeding one thousand dollars or to undergo an imprisonment not exceeding five years, or both, at the discretion of the court. (Act 1906, Sec. 18, P. L. 61; Sec. 14, P. L. 73.)

Attempting to
register falsely

250 A person who applies for registration knowing that he is not entitled to be registered, or who falsely personates another in an application for registration, or who knowingly offers false naturalization papers or a fraudulent tax receipt to establish his claim to be registered, or who personates another, shall be guilty of a misdemeanor, and, upon conviction, shall be sentenced for every such offence to pay a fine not exceeding one thousand dollars or to undergo an imprisonment not exceeding three years, or both, in the discretion of the court. (Act 1906, Sec. 18, P. L. 61; Sec. 14, P. L. 73.)

Altering register

251 A registrar who inserts, or intentionally permits to be inserted, a name on the registry list without a proper application in person, during the hours of registration, on a registration day, on the part of the person registered, or without requiring the proper evidence of the right of the applicant to be registered; or who alters any registry list

after the entry has been duly made, except upon an order of the court or of the commissioners; or who makes any entry therein at any time other than during the hours of registration, and in the presence of the other registrars; shall be guilty of a misdemeanor; and, upon conviction, shall be sentenced to pay a fine not exceeding one thousand dollars or to undergo an imprisonment not exceeding five years or both, in the discretion of the court. (Act 1906, Sec. 18, P. L. 61; Sec. 14, P. L. 73.)

252 Any election officer who refuses the vote of a registered elector, except on satisfactory evidence that he has since registration become disqualified under the laws of this Commonwealth, or who knowingly accepts the vote of a person not registered in accordance with the provisions of this act, or who knowingly receives a vote from a person falsely claiming to be a registered voter, shall be guilty of a misdemeanor, and upon conviction, shall be sentenced to pay a fine not exceeding one thousand dollars or to undergo an imprisonment not exceeding five years, or both, in the discretion of the court. (Act 1906, Sec. 18, P. L. 61; Sec. 14, P. L. 73.)

Refusing the
vote of registered
voter

Receiving vote of
unregistered voter

253 Any commissioner, registrar, or other officer, upon whom a duty is laid by this act, who shall wilfully refuse to perform his said duty shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars or to undergo an imprisonment not exceeding one year, or both, in the discretion of the court. (Act 1906, Sec. 18, P. L. 61; Sec. 14, P. L. 73.)

Failure to
perform duty

254 Any wilful false statements made, under oath, by any person, in relation to any matter or thing concerning which he shall be lawfully interrogated by the registrars, shall be perjury, and any persons, upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars or to undergo an imprisonment not exceeding two years, or both, in the discretion of the court. (Act 1906, Sec. 18, P. L. 61; Sec. 14, P. L. 73.)

Perjury

B. OFFENSES AGAINST THE UNIFORM PRIMARY LAW

Fraudulent
voting

255 Any person who votes or attempts to vote at a primary, knowing that he does not possess the qualifications of a voter at such primary, as indicated by this act, or who shall vote or attempt to vote more than once at a primary, or who shall have unlawfully in his possession an official ballot, outside the polling-place, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars or to undergo an imprisonment not exceeding two years, or both, in the discretion of the court. (Act 1906, Sec. 14, P. L. 43.)

Receiving fraudulent vote

256 Any election officer who permits a person to vote at any primary, with the knowledge that such person is not so entitled to vote, or refuses to permit any lawfully entitled elector to vote at such primary, with the knowledge that such person is so entitled to vote, or who refuses to permit him to receive the party ballot for which he asks, after having executed the affidavit herein provided, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars or to undergo an imprisonment not exceeding five years, or both, in the discretion of the court. (Act 1906, Sec. 14, P. L. 43.)

Refusing vote

Fraud

257 Any election officer or clerk who shall be guilty of any wilful fraud in the conduct of his duties at a primary, or who shall make a false return of the votes cast at such primary, or who shall deposit fraudulent ballots in the ballot-box, or who shall certify as correct a return of ballots in the ballot-box which he knows to have been fraudulently deposited therein, or who shall write false names in the lists of voters for the purpose of concealing the deposit of such fraudulent ballots or of aiding in the perpetration of such fraud, or who shall conspire with others to commit any of the offenses herein mentioned, shall be guilty of a misde-

meanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars or to undergo imprisonment not exceeding five years, or both, in the discretion of the court. (Act 1906, Sec. 14, P. L. 43.)

258 Except as modified by the terms of this act, election officers shall be subject to the same pains and penalties for violations or neglect of their duties at a primary as they are or hereafter may be subject to for violation or neglect of such duties at elections. In all other respects, officers officiating at primaries shall be subject to the pains and penalties provided by law for offenses committed at primaries. The existing laws relating to bribery at primaries shall continue in force, and shall apply to bribery at primaries as provided by this act. (Act 1906, Sec. 14, P. L. 43.)

Offenses under
general election
laws

C. OFFENSES OF ELECTION OFFICERS

259 If any person elected to serve as inspector or judge as aforesaid, and having received due notice thereof, shall neglect or, without good cause, refuse to attend on the day of election at the time appointed by law, he shall in every such case forfeit the sum of twenty dollars. (Act 1839, Sec. 99, P. L. 541.)

Failure to attend
election

260 If any inspector, judge or clerk, as aforesaid, shall neglect or refuse to take upon himself the duties of such office, he shall forfeit and pay the sum of fifty dollars; or having entered upon the same, shall afterwards neglect or refuse to perform the duties thereof according to law, he shall forfeit and pay the sum of one hundred dollars for every such offense. (Act 1839, Sec. 100, P. L. 541.)

Refusal to serve

261 If any clerk of an election shall presume to act in such capacity before taking and subscribing the oath required by this act, he shall, on conviction, be fined in any sum not less than fifty, nor more than two hundred dollars. (Act 1839, Sec. 101, P. L. 541.)

Failure to take
oath

262 If any judge or minority inspector refuses or fails to swear the officers of election in the manner required by this act, or if any officer of election shall act without being first duly sworn, or if any officer of election shall sign the form of oath, without being duly sworn, or if any judge or minority inspector shall certify that any officer was sworn, when he was not, it shall be deemed a misdemeanor, and upon conviction, the officer or officers so offending shall be fined not exceeding one thousand dollars, or imprisoned not exceeding one year, or both, in the discretion of the court. (Act 1874, Sec. 9, P. L. 34.)

Fraud

263 If any inspector, judge or clerk, as aforesaid, shall be convicted of any wilful fraud in the discharge of his duties, as aforesaid, he shall undergo an imprisonment for any term not less than three, nor more than twelve months, and be fined in any sum not less than one hundred dollars, nor more than five hundred dollars, and shall be, for seven years thereafter, disabled from holding any office of honor, trust or profit in this Commonwealth, and shall moreover be disabled, for the term aforesaid, from giving his vote at any general or special election within this Commonwealth. (Act 1839, Sec. 102, P. L. 541.)

Permitting voting
without proof of
qualification

264 If any election officer shall refuse or neglect to require such proof of the right of suffrage as is prescribed by this law, from any person offering to vote, whose name is not on the list of assessed voters, or whose right to vote is challenged by any qualified voter present, and shall admit such person to vote, without requiring such proof, every person so offending shall, upon conviction, be guilty of a misdemeanor, and shall be sentenced, for every such offense, to pay a fine not exceeding five hundred dollars, or to undergo an imprisonment not more than one year, or both, at the discretion of the court. (Act 1874, Sec. 12, P. L. 37.)

Rejecting legal
vote
Receiving fraudu-
lent vote

265 If any inspector or judge of an election shall knowingly reject the vote of any qualified citizen, or knowingly

receive the vote of any person not qualified, or conceal from his fellow-officers any fact in the knowledge of which such vote should by law be received or rejected, each of the persons so offending, shall, on conviction, be punished in the manner prescribed in section 282 of this Code. (Act 1839, Sec. 103, P. L. 542.)

266 If any judge of an election, inspector, clerk or other person, before the poll shall be closed, shall unfold, open or pry into any ticket, with a design to discover the name of any candidate therein, every person so offending shall, on conviction, be fined in any sum not less than fifty, nor more than one hundred dollars, and imprisoned for any time not less than one, nor more than three months. (Act 1839, Sec. 105, P. L. 542.) Unfolding ballots

267 Any clerk, overseer or election officer, who shall disclose how any elector shall have voted, unless required to do so as a witness in a judicial proceeding, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding two years, or both, in the discretion of the court. (Act 1874, Sec. 19, P. L. 40.) Violating secrecy of ballot

268 Any assessor, election officer or person appointed as an overseer, who shall neglect or refuse to perform any duty enjoined by this Code, without reasonable or legal cause, shall be subject to a penalty of one hundred dollars; and if any assessor shall knowingly assess any person as a voter who is not qualified, or shall wilfully refuse to assess any one who is qualified, he shall be guilty of a misdemeanor in office, and on conviction be punished by a fine not exceeding one thousand dollars, or imprisonment not exceeding two years, or both, at the discretion of the court, and also be subject to an action for damages by the party aggrieved. (Act 1874, Sec. 19, P. L. 40.) Miscellaneous

269 If any election officer or assessor of poll taxes shall become intoxicated during any of the time in which he shall Intoxication

be engaged in the performance of his duties, he shall, on conviction, be deemed guilty of a misdemeanor, and be sentenced to an imprisonment of thirty days, and to pay a fine of twenty dollars and the costs of prosecution, both or either, at the discretion of the court. (Act 1887, Sec. 1, P. L. 126.)

D. MISCELLANEOUS OFFENSES

Defacing list of
voters

270 If any person shall fraudulently alter, add to, deface or destroy any list of voters made out as directed by this Code, or tear down or remove the same from the place where it has been fixed, with fraudulent or mischievous intent, or for any improper purpose, the person so offending shall be guilty of a misdemeanor, and on conviction shall be punished by a fine not exceeding five hundred dollars, or imprisonment not exceeding two years, or both, at the discretion of the court. And if any person shall, by violence or intimidation, drive, or attempt to drive from the polls any person or persons appointed by the court to act as overseers of an election, or in any way wilfully prevent said overseers from performing the duties enjoined upon them by this act, such person shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding two years, or both, at the discretion of the court. (Act 1874, Sec. 19, P. L. 40.)

Interfering with
overseers

Misappropriating
ballots

271 Any printer employed by the commissioners of any county to print any official ballot, or any person engaged in printing the same, who shall appropriate to himself, or give or deliver or knowingly permit to be taken any of said ballots by any other person than such commissioners, or their duly authorized agent, or shall wilfully print, or cause to be printed any official ballot in any other form than that prescribed by such commissioners, or with any other names thereon, or with the names spelled otherwise than as directed

Printing incorrect
ballots

by them, or the names or printing thereon arranged in any other way than that authorized and directed by this Code, shall be guilty of a misdemeanor, and upon conviction shall be sentenced to pay a fine not exceeding one thousand dollars, or to undergo an imprisonment for not more than five years, or both, at the discretion of the court. (Act 1893, Sec. 34, P. L. 435.)

272 Any person other than an officer charged by law with the care of ballots, or a person entrusted by any such officer with the care of the same for a purpose required by law, who shall have in his possession outside the voting room any official ballot, or any person who shall make or have in possession any counterfeit of an official ballot, shall be guilty of a misdemeanor, and upon conviction shall be sentenced to pay a fine not exceeding one thousand dollars, or to undergo an imprisonment for not more than one year, or both, at the discretion of the court. (Act 1893, Sec. 35, P. L. 435.)

273 It shall be unlawful for any officer or any member of any committee or organization of any political party, or any candidate for office nominated by any political party or nomination papers or for any person in behalf of said committee, organization or candidate to pay or furnish the money to pay, or in any way to become responsible for the payment of the fees and expenses directly or indirectly incurred by an alien in attending upon any court for the purpose of and in obtaining his naturalization papers. (Act 1893, Sec. 1, P. L. 36.)

274 Any person violating the provisions of the preceding section of this Code shall, upon conviction in a summary proceeding before any city magistrate, alderman or justice of the peace, who are hereby given jurisdiction to try said offenders in a summary way, for each offense, pay a fine of fifty dollars, which, when collected, shall be paid into the county treasury of the county wherein the offense was committed. (Act 1893, Sec. 2, P. L. 36.)

275 If any person convicted in the manner prescribed in the preceding section of this Code and sentenced to pay a fine or fines shall refuse or fail to forthwith pay said fine or fines and costs to the city magistrate, alderman or justice of the peace before whom he is convicted, or give satisfactory security to be approved by said magistrate, alderman or justice of the peace to pay the same within ten days, he shall be committed to county jail, there to be held one day for every five dollars of the fine or fines which he has been sentenced to pay: Provided, however, That said imprisonment shall not prevent the collection of said fine or fines and costs by legal process. (Act 1893, Sec. 3, P. L. 36.)

Issuing false naturalization certificate

276 If any prothonotary, clerk, or the deputy of either, or any other person, shall affix the seal of any court to any naturalization paper, or permit the same to be affixed, or give out, or cause or permit such naturalization paper to be given out, in blank, whereby it may be fraudulently used, or furnish a naturalization certificate to any person who shall not have been duly examined and sworn in open court, in the presence of some of the judges thereof, according to the act of Congress, or shall aid in, connive at, or in any way permit the issue of any fraudulent naturalization certificate, he shall be guilty of a misdemeanor; or if any one shall fraudulently use any such certificate of naturalization, knowing that it was fraudulently issued, or shall vote or attempt to vote thereon, or if any one shall vote or attempt to vote on any certificate of naturalization not issued to him, he shall be guilty of a misdemeanor; and either or any of the persons, their aiders or abettors, found guilty of either of the misdemeanors aforesaid, shall be fined in a sum not exceeding one thousand dollars, and imprisoned in the proper penitentiary for a period not exceeding three years. (Act 1874, Sec. 20, P. L. 41.)

Obtaining naturalization certificate by false oath

277 Any person who, on oath or affirmation, in or before any court in this State, or officer authorized to administer oaths, shall, to procure a certificate of naturalization for

himself or any other person, wilfully depose, declare or affirm any matter to be fact, knowing the same to be false, or shall in like manner deny any matter to be fact, knowing the same to be true, shall be deemed guilty of perjury; and any certificate of naturalization issued in pursuance of any such deposition, declaration or affirmation, shall be null and void; and it shall be the duty of the court issuing the same, upon proof being made before it that it was fraudulently obtained, to take immediate measures for recalling the same for cancellation. And any person who shall vote or attempt to vote on any paper so obtained, or who shall in any way aid in, connive at, or have any agency whatever in the issue, circulation or use of any fraudulent naturalization certificate, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall undergo an imprisonment in the penitentiary for not more than two years, and pay a fine not more than one thousand dollars, for every such offense, or either, or both, at the discretion of the court. (Act 1874, Sec. 21, P. L. 41.)

278 If any person, upon any false representation, or by the production of any forged, false or spurious naturalization certificate, or upon any such certificate not duly issued according to the act of Congress, shall cause his name to be placed, or shall attempt to have his name placed, upon any extra assessment list for election purposes, or upon any list of qualified electors authorized or required to be made by any law of this Commonwealth, or shall vote or attempt to vote at any general or presidential election, every such person, on conviction thereof, shall be adjudged guilty of a high misdemeanor, and shall be sentenced to imprisonment in the jail of the proper county for a term not less than twelve months, and every person who shall aid or abet any other person in any such false representation or attempt shall, on conviction thereof, be adjudged guilty of a high misdemeanor, and suffer the like penalty. (Act 1869, Sec. 38, P. L. 64.)

Use of false certificate

Tax not to be
assessed within
61 days of election

279 It shall not be lawful for any assessor to assess a tax against any person whatever, within sixty-one days next preceding the annual election in November; any violation of this provision shall be a misdemeanor, and subject the officer so offending to a fine, on conviction, not exceeding one hundred dollars, or to imprisonment, not exceeding three months, or both, at the discretion of the court. (Act 1874, Sec. 18, P. L. 40.)

Violation of
secrecy of ballot

280 A voter who shall allow his ballot to be seen by any person, with the apparent intention of letting it be known how he is about to vote, or shall cast or attempt to cast any other than the official ballot which has been given him by the proper election officer, or shall falsely declare to a judge of election that, by reason of any disability, he is unable to mark his ballot, and on that account desires assistance in marking it, or shall wilfully violate any other provision of this Code; or any person who shall interfere with any voter when inside said enclosed space or when marking his ballot, or who shall endeavor to induce any voter before depositing his ballot to show how he marks or has marked his ballot; or any helper who shall attempt to influence the vote of the voter whom he is assisting, or who shall mark a ballot in any other way than that requested by the voter whom he is assisting, or who shall disclose to any one the contents of any ballot, which has been marked with his help, except when required so to do in any legal proceedings; shall be guilty of a misdemeanor, and upon conviction shall be sentenced to pay a fine not to exceed one hundred dollars, or to undergo an imprisonment for not more than three months, or both, at the discretion of the court. (Act 1903, Sec. 6, P. L. 348.)

Assistance

County Commis-
sioners
Omitting names
from list

281 If the commissioners of any county shall wilfully omit to insert in the list of taxables, delivered by them to the inspectors, as before directed, the name of any person duly assessed and returned to them by the assessor, they shall, on conviction thereof, be fined and severally pay any sum

not less than fifty nor more than one hundred dollars. (Act 1839, Sec. 98, P. L. 541.)

282 If the commissioners of any county shall add or knowingly permit to be added, the name of any person to the list of taxable inhabitants furnished them by the assessor, and shall return such name to the inspectors of election each commissioner concerned therein shall, on conviction thereof, be fined in any sum not less than fifty nor more than two hundred dollars. (Act 1839, Sec. 107, P. L. 542.)

Adding names

283 If the constables or supervisors of any township, ward or district, shall neglect or refuse to perform the duties herein required of him or them, they shall respectively, on conviction, be fined in any sum not less than fifty nor more than one hundred dollars. (Act 1829, Sec. 97, P. L. 541.)

Constables

284 It shall be unlawful for any person or persons to pay or cause to be paid any occupation or poll tax assessed against any elector, except on the written and signed order of such elector authorizing such payment to be made, which written and signed order must be presented at least thirty days prior to the date of holding the election at which such elector desires to vote. It shall be unlawful for any officer, clerk or other person authorized to collect taxes and receipt therefor, to receive payment of or receipt for any occupation or poll tax assessed for State or county purposes from any person other than the elector against whom such tax shall have been assessed, except upon his written and signed order authorizing such payment to be made. It shall be unlawful for any person to vote or attempt to vote at any election upon a tax receipt obtained in violation of this act. Any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof in the court of quarter sessions of the proper county, be punished by imprisonment in the county prison for a term of not less than twenty days nor more than six months, in the discre-

Payment of tax for others prohibited without written order

Receipt of tax except from persons assessed

Voting upon tax receipt improperly obtained

tion of the court, or by such fine not exceeding two hundred dollars, as said court shall impose. (Act 1897, Secs. 1, 2, 3, 4, P. L. 276.)

Assessments for
political purposes
of office holders
by committee

285 It shall be unlawful for any committee, or member thereof, directly or indirectly, to demand of any public officer, subordinate or employe, holding any office or position of honor, trust or profit in this Commonwealth, or otherwise engaged or employed in the service of this State, or from any officer, subordinate or employe, in any way engaged or employed in the service of any city or county of this State, any assessment or percentage of any money, property or their equivalent in anything of value, with the understanding, either expressed or implied, that the same may or shall be used for any political purpose whatsoever.

Any person or persons violating any of the foregoing provisions of this section, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine not to exceed one hundred dollars. (Act 1883, Secs. 1 and 2, P. L. 96.)

By officers
and heads of
departments

286 It shall be unlawful for any officer of this Commonwealth or of any county thereof, or for any mayor or head of department or other officer of any city of this Commonwealth, to make or cause or knowingly permit to be made any assessment upon the pay, wages or salary of any officer or employe appointed by or holding office or employment under him for any political or party purpose whatsoever, or to make or cause or knowingly permit to be made any demand for the payment or gift of any money or other valuable thing to any committee, organization or person for use in any manner for any political or party purpose: Provided, however, That nothing in this act contained shall prevent any officer, or other employe appointed as aforesaid, from making a voluntary contribution to any committee or organization for legitimate political and campaign purposes.

Any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and

on conviction thereof in the court of quarter sessions of the proper county, be punished by imprisonment in the county prison for a term of not more than one year, and by fine of not more than one thousand dollars, either or both, as the said court shall impose. (Act 1897, Secs. 1 and 2, P. L. 275.)

287 No officer, clerk or employe, under the government of any city of the first class within this Commonwealth, shall, directly or indirectly, demand, solicit, collect or receive, or be in any manner concerned in demanding, soliciting, collecting or receiving, any assessment, subscription or contribution, whether voluntary or involuntary, intended for any political purpose whatever.

By office holders
in Philadelphia

Any person or persons who shall violate any of the provisions of this section shall be guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine not exceeding five hundred dollars, and forfeit his office. (Act 1906, Secs. 1 and 2, P. L. 29.)

288 If a candidate for any office within this Commonwealth shall, directly or indirectly, give, offer or promise to give, or procure any other person to give, offer or promise to give, to any elector, any gift or reward in money, goods or other valuable thing, or any security for the payment or the delivery of money, goods or other valuable thing, or any office, emolument or employment, on condition, express or implied, that such elector shall cast, give, retain or withhold his vote, or use his influence at a nominating election or delegate election, or cast, give or substitute another to cast or give, his vote or use his influence at a nominating convention, for or against the nomination of any particular candidate for nomination, so as to procure such person to be voted for, at any election to take place, the person so hiring, procuring, influencing, abetting, endeavoring or offering, either directly, or indirectly through others, their aiders or abettors, to procure the person to be voted for by such electors, shall be guilty of a misdemeanor, and on con-

Bribery

By candidates to
procure nominations

viction, shall be sentenced to pay a fine not exceeding three hundred dollars and be imprisoned for a period not exceeding three months. (Act 1881, Sec. 1, P. L. 70.)

Receiving bribe

289 If any elector, authorized to vote at any public election afterwards to take place within this Commonwealth, for any office, shall, directly or indirectly, accept or receive from any person desiring to be nominated as a candidate for office, or from the friends of any such person, any gift or reward in money, goods or other valuable thing, or any office or employment, under an agreement or promise, express or implied, that such elector shall give or withhold his vote for the nomination of such a person as a candidate for office at such election, or shall accept or receive the promise of any person, that he shall thereafter receive any gift or reward in money, goods, position or other valuable thing, if he will vote for the nomination of such a person as a candidate for office, and shall thereafter vote for the nomination of such person, he shall be guilty of a misdemeanor, and on conviction shall pay a fine, not exceeding three hundred dollars, and be imprisoned for a term of time not exceeding three months. (Act 1881, Sec. 2, P. L. 71.)

Solicitation
by voter

290 If any elector shall, directly or indirectly, offer to give his vote or his influence, at any nominating election, delegate election or nominating convention, to any person desiring to be nominated as a candidate for office, or to the friends of any such person, in consideration, that for such vote or influence, he is to receive any gift or reward in money, goods or other valuable thing or any office or employment, he shall be guilty of a misdemeanor, and on conviction shall pay a fine, not exceeding three hundred dollars, and undergo a period of imprisonment not exceeding three months. (Act 1881, Sec. 3, P. L. 71.)

By delegate to
convention

291 In all cases where a person is elected or chosen, or shall act as a delegate to a convention to make nominations for offices, and shall receive, accept or solicit any bribe in

money, goods or thing of value, or any office or position, as an inducement to make or join in any nomination for any person to be voted for as an officer or candidate for office, or shall in like manner and for like reason, agree to abstain from voting for any particular person, he shall be guilty of a misdemeanor, and on conviction, shall be sentenced to pay a fine of not more than one hundred dollars, and be imprisoned not exceeding three months. (Act 1881, Sec. 5, P. L. 71.)

292 Any person, elected, chosen or acting as a member of the county or executive committee of any party, or as a judge of a return-board to count up and cast the vote polled at a primary election, held to make nominations for office, or any person appointed a clerk of such return-board, who shall directly or indirectly accept, receive or solicit money, office, appointment, employment, testimonial, reward or other thing of value, or the promise of all or either of them, to influence his vote or action in the discharge, performance or non-performance of any act, duty or obligation pertaining to such office, shall be guilty of a misdemeanor, and on conviction thereof, shall be sentenced to pay a fine of not more than one hundred dollars, and be imprisoned for a time not exceeding three months. (Act 1881, Sec. 6, P. L. 72.)

By members of
committee or of
Return-board

293 Any person or persons who shall directly or indirectly by offer or promise of money, office, appointment, employment, testimonial, reward or other thing of value, or who shall, by threats or intimidation, endeavor to influence a member of a county or executive committee of any party, a judge or clerk of any return-board, in the discharge, performance or non-performance of any act, duty or obligation pertaining to such office, shall be guilty of a misdemeanor, and on conviction thereof, shall be sentenced to pay a fine of two hundred dollars and to undergo an imprisonment not exceeding six months. (Act 1881, Sec. 6, P. L. 72.)

294 Any person who shall give or promise or offer to give to an elector any money, reward or other valuable consid-

Offering bribe at
election

eration for his vote at any election held for the purpose of voting on an amendment to the Constitution, or any other public purpose, or for withholding the same, or who shall give or promise to give such consideration to any other person or party for such elector's vote, or for the withholding thereof, and any elector who shall receive or agree to receive, for himself or for another, any money, reward or other valuable consideration for his vote at such election or for withholding the same, shall be guilty of a misdemeanor, and upon conviction thereof shall pay a fine not exceeding one thousand dollars and undergo imprisonment not exceeding one year. (Act 1889, Sec. 1, P. L. 162.)

Receiving bribe

Intimidation and threats

295 Any person who shall, directly or indirectly, give, or offer to give any such gift or reward to any such elector, with the intent to induce him to vote for any particular candidate or candidates at such election, or shall, directly or indirectly, procure or agree to give any such gift or reward to such elector, with the intent aforesaid, or shall, with the intent to influence or intimidate such elector to give his vote for any particular candidate or candidates at such election, give, offer or promise to give to such elector, any office, place, appointment or employment, or threaten such elector with dismissal or discharge from any office, place, appointment or employment, public or private, then held by him, in case of his refusal to vote for any particular candidate or candidates at such election, the person so offending shall be guilty of a misdemeanor, and, on conviction, be sentenced to pay a fine not exceeding five hundred dollars, and undergo an imprisonment, not exceeding two years. (Act 1860, Sec. 51, P. L. 396.)

Corrupt solicitation of public officers

296 Any person or persons who shall, directly or indirectly, by offer or promise of money, office, appointment, employment, testimonial, or other thing of value, or who shall, by threats or intimidation, endeavor to influence any member of the General Assembly, State, county, election, municipal or other public officer, in the discharge, performance or non-

performance of any act, duty or obligation pertaining to such office, shall be guilty of the offense of corrupt solicitation, and liable to indictment for a misdemeanor; and on conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars, and to undergo imprisonment not exceeding two years, at the discretion of the court. (Act 1874, Sec. 1, P. L. 115.)

297 If any person shall embezzle or unlawfully deface, alter, change, substitute or destroy any ticket, list of voters, tally-paper or certificate, taken or made at any election, as aforesaid, he shall, on conviction, suffer imprisonment for a term not less than twelve months, nor more than three years, at the discretion of the court, and be fined in any sum not less than one hundred, nor more than one thousand dollars. (Act 1839, Sec. 106, P. L. 542.)

Embezzling or
altering election
papers

298 Any person who shall falsely make or wilfully deface or destroy any certificate of nomination, or nomination paper, or any part thereof, or any letter of withdrawal, or file any certificate of nomination, or nomination paper, or letter of withdrawal, knowing the same or any part thereof to be falsely made, or suppress any certificate of nomination, or nomination paper, or any part thereof, which has been duly filed, or forge, or falsely make the official endorsement on any ballot, or wilfully destroy or deface any ballot, or wilfully delay the delivery of any ballots, shall be guilty of a misdemeanor, and upon conviction shall be sentenced to pay a fine not exceeding one thousand dollars, or to undergo an imprisonment for not more than one year, or both, at the discretion of the court. (Act 1893, Sec. 32, P. L. 434.)

Defacing certifi-
cate of nomination

Filing false certi-
ficate

Forging or
destroying ballots

299 Any person who shall, prior to an election, wilfully deface or destroy any list of candidates posted in accordance with the provisions of this Code, or who, during an election, shall wilfully deface, tear down, remove or destroy any card of instruction, or specimen ballot, printed or posted for the instruction of voters, or who shall, during an election, wil-

Destroying list of
candidates or
Cards of instruc-
tion

fully remove or destroy any of the supplies or conveniences furnished to enable a voter to prepare his ballot, or shall wilfully hinder the voting of others, shall be guilty of a misdemeanor, and upon conviction shall be sentenced to pay a fine not exceeding one hundred dollars, or to undergo an imprisonment for not more than three months, or both, at the discretion of the court. (Act 1893, Sec. 31, P. L. 434.)

Obstructing con-
duct of election

300 If any person shall prevent or attempt to prevent any officers of an election under this Code, from holding such election, or use or threaten any violence to any such officer, or shall interrupt or improperly interfere with him in the execution of his duty; or shall block up or attempt to block up the window, or avenue to any window where the same may be holden; or shall riotously disturb the peace at such election; or shall use or practice any intimidation, threats, force or violence, with design to influence unduly, or overawe any elector, or to prevent him from voting, or to restrain the freedom of choice, such person, on conviction, shall be fined in any sum not exceeding five hundred dollars, and be imprisoned for any time not less than one, nor more than twelve months. And if it shall be shown to the court, where the trial of such offense shall be had, that the person so offending was not a resident of the city, ward, district or township where the said offense was committed, and not entitled to vote therein, then, on conviction, he shall be sentenced to pay a fine not less than one hundred, nor more than one thousand dollars, and be imprisoned not less than six months, nor more than two years. (Act 1839, Sec. 110, P. L. 543.)

By persons out-
side of their own
polling district

301 Any person who shall, on the day of any election, visit a polling-place in any election district at which he is not entitled to vote, and shall use any intimidation or violence for the purpose of preventing any officer of election from performing the duties required of him by law, or for the purpose of preventing any qualified voter of such district exercising his right to vote, or from exercising his right to

challenge any person offering to vote, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding two years, or both, at the discretion of the court. (Act 1874, Sec. 19, P. L. 40.)

302 If any person not qualified to vote in this Commonwealth, agreeably to law (except the sons of qualified citizens), shall appear at any place of election, for the purpose of issuing tickets, or of influencing the citizens qualified to vote, he shall, on conviction, forfeit and pay any sum not exceeding one hundred dollars for every such offense, and be imprisoned for any term not exceeding three months. (Act 1839, Sec. 121, P. L. 546.)

Electioneering by
unqualified per-
sons

303 Any person who shall unlawfully strike, wound or commit any assault and battery upon the person of any elector, at or near any election poll, during the holding of any election, shall be deemed guilty of a high misdemeanor, and upon conviction thereof, he shall be fined not less than one hundred dollars, or more than five hundred, and be imprisoned for a term not less than three months, or more than one year. (Act 1870, Sec. 9, P. L. 55.)

Assault and
battery near poll-
ing place

304 If any person not qualified to vote at a general election, shall vote at a nominating election held by any political party, or if any person shall procure, advise or induce such disqualified person to so vote, or if any person shall vote at more than one election district, or otherwise vote more than once on the same day for the nomination of a candidate, or shall fraudulently vote more than one ticket for the same candidate at the same time, or if any person shall advise or procure another so to do, he or they shall be guilty of a misdemeanor, and on conviction, shall be fined, not exceeding the sum of two hundred dollars, and imprisoned for a term of time not exceeding three months. (Act 1881, Sec. 4, P. L. 71.)

Fraudulent voting
at primaries

Furnishing false
ballots

305 Any person who shall furnish or supply to any elector of this Commonwealth, at any of the polls or voting places, any ballot or ticket falsely representing it to contain names not thereon, with the intent and purpose of defrauding said voter out of his express choice, shall be deemed guilty of a misdemeanor; and on conviction, shall pay a fine not to exceed one hundred dollars, or imprisonment not to exceed one year, one or both, or either, at the discretion of the court: Provided, This section shall apply to both general and primary elections. (Act 1883, Sec. 1, P. L. 92.)

Attempt to vote
by person not a
citizen

306 If any person not a citizen of this Commonwealth, shall vote or attempt to vote, at any special, general or presidential election, held in this Commonwealth, he shall be guilty of felony, and on conviction, be sentenced to pay a fine, not exceeding five hundred dollars, and undergo an imprisonment by separate or solitary confinement at labor, not less than two, nor more than five years. (Act 1870, Sec. 6, P. L. 54.)

Persuading person
not a citizen to
vote

307 If any person shall, through solicitation, invitation or device, persuade or prevail on any person, not a citizen of this Commonwealth, to vote, or attempt to vote, at any special, general or presidential election in this Commonwealth, or shall, by any means, aid, encourage or abet any such attempt, the person so offending shall be guilty of a felony, and on conviction, shall be sentenced to pay a fine, not exceeding five hundred dollars, and undergo an imprisonment, by separate or solitary confinement at labor, not less than two, nor more than five years. (Act 1870, Sec. 7, P. L. 54.)

Voting by unqual-
ified persons

308 If any person, not by law qualified, shall fraudulently vote at any election within this Commonwealth, or being otherwise qualified, shall vote out of his proper district, or if any person, knowing the want of such qualification, shall aid or procure such person to vote, the person or persons

so offending shall, on conviction, be fined in any sum not exceeding five hundred dollars, and be imprisoned for any term not exceeding five years. (Act 1897, Sec. 1, P. L. 261.)

Procuring or
aiding such per-
sons to vote

309 If any person shall vote at more than one election district, or otherwise fraudulently vote more than once on the same day, or shall fraudulently fold and deliver to the inspector two tickets together, with the intent to illegally vote, or shall vote the same, or if any person shall advise and procure another so to do, he or they so offending, shall, on conviction be fined in any sum not less than fifty, nor more than five hundred dollars, and be imprisoned for any term not exceeding five years. (Act 1897, Sec. 1, P. L. 257.)

Repeating

310 If any person shall knowingly publish, utter or make use of any forged or false receipt or certificate, with intent to impose the same upon or deceive any inspector or judge, at any election as aforesaid, such person shall, on conviction, be fined in any sum not less than fifty or more than five hundred dollars, and suffer imprisonment not less than six months, nor more than two years. (Act 1839, Sec. 125, P. L. 546.)

False receipts

311 Any public officer upon whom a duty is imposed by this Code, who shall negligently or wilfully fail to perform such duty, or who shall negligently or wilfully perform it in such a way as to hinder the objects of this act, or who shall negligently or wilfully violate any of the provisions thereof, shall be guilty of a misdemeanor, and upon conviction shall be sentenced to pay a fine not exceeding one thousand dollars, or to undergo an imprisonment for not more than one year, or both, at the discretion of the court. (Act 1893, Sec. 33, P. L. 434.)

Failure of public
officers to perform
duties

312 If it shall be made appear to any court of quarter sessions of this Commonwealth, that any riot or disturbance occurred at the time and place of holding any election under

Failure of con-
stable to report
disorder

this act, and the constables who are enjoined by law to attend at such elections have not given information thereof, according to the provisions of this act, it shall be the duty of said court to cause the officer or officers, so neglecting the duty aforesaid, to be proceeded against by indictment for a misdemeanor in office, and on conviction thereof, the said officer shall be fined in any sum not exceeding one hundred dollars. (Act 1839, Sec. 113, P. L. 544.)

Selling liquor on
election day

313 It shall not be lawful for any person or persons keeping a public house or drinking place, either licensed or unlicensed to sell spirituous or malt liquors as a drink, to sell, furnish or give away, to be used as a drink, any spirituous or malt liquors, wine or any other intoxicating beverage, on any part of any day set apart, or to be set apart for any general or special election, by the citizens in any election district or division within this Commonwealth, where an election is in progress during the hours when, by law, in said district, the election polls are required to be kept open.

Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be subject to imprisonment in the jail of the proper county, for a term of not more than one hundred days, and in addition to the above, shall also be subject to a fine of not more than five hundred dollars and costs, at the discretion of the court. (Act 1872, Secs. 1 and 2, P. L. 24.)

Constables to
report violations

314 It shall be the duty of the constables of the several townships, wards and boroughs of this Commonwealth, under the same penalties as mentioned in the preceding section, to make return to the next court of quarter sessions of the proper county of the name or names of any person or persons offending under said section: Provided, Nothing herein shall prevent any other person or persons from prosecuting for such offense. (Act 1872, Sec. 3, P. L. 24.)

Wagering on
election

315 If any person shall lay any wager or bet, or make any promise or engagement for the payment of money or the

transfer of any other valuable thing, dependent on the event of such election (held under the Constitution or laws of the United States or Constitution and laws of this Commonwealth), or on the success of any candidate or candidates nominated for public office, he shall, on conviction thereof in any court of quarter sessions or other court having similar jurisdiction, be adjudged guilty of a misdemeanor and shall be fined in any sum not exceeding the whole amount of the sum betted by all the parties to the wager, nor less sum than twenty dollars. (Act 1817, Sec. 2, P. L. 204.)

316 If any person or persons shall make any bet or wager upon the result of any election within this Commonwealth, or shall offer to make such bet or wager, either by verbal proclamation thereof, or by any written or printed advertisement, challenge or invite any person or persons to make such bet or wager, upon conviction thereof, he or they shall forfeit and pay three times the amount so bet or offered to be bet. (Act 1839, Sec. 115, P. L. 544.)

317 It shall be the duty of the several constituted authorities having care and charge of the poor in the respective counties, districts and townships of this Commonwealth, knowing or being informed, under oath, of any person or persons having made any bet or wager of any land, goods, money or thing of value, on the result of any election within this Commonwealth, or deposited the same in the hands of any person within their respective counties, districts or townships, to bring suit in the name of the Commonwealth of Pennsylvania, for the use of the poor of such county, district or township, against such deposittee or stakeholder, where said bet is deposited in the hands of a third person; or against the party winning said bet, when the same is not deposited, for the recovery of the amount so bet; and if, on the trial, it shall be made appear, that said lands, goods, money or thing of value was bet on the result of any election within this Commonwealth, said guardians, directors or overseers

Suit by Overseers
of Poor

of the poor shall be entitled to recover the amount or value thereof for the use of the poor, from said stakeholder, or person winning said bet, where there is no stakeholder: Provided, Said suit is brought within two years from the time of making said bet. And the stakeholder is hereby prohibited, during said time, to pay over the amount so bet to either of the parties, and shall be liable for the same, whether such bet is paid over or delivered to the parties, or either of them, or not, and the party winning shall in like manner be liable to the payment of the whole amount so bet, where the same is received by him; and said bet, or the value thereof, may be recovered as debts of like amount are by law recoverable. And if said guardians, directors or overseers of the poor shall neglect or refuse to bring such suit, they shall be guilty of a misdemeanor in office, and on conviction, shall be fined in any sum not less than the amount so bet, nor more than double the amount. (Act 1839, Sec. 118, P. L. 545.)

Libel against
candidates

318 Whoever writes, prints, posts or distributes, or causes to be written, printed, posted or distributed, a circular or poster, cartoon or other written or printed paper which is designed or tends to injure or defeat any candidate for nomination or election to public office, by reflecting upon his personal character or political action, unless the same shall be published in a newspaper avowedly responsible therefor, or unless there appears upon such circular, poster or paper, in a conspicuous place, either the names of the chairman and secretary, or at least the names of two officers of the political or other organization issuing the same, or the name of some duly registered elector with description of his election district, as responsible therefor, shall be punished by fine not exceeding one hundred dollars, or by imprisonment in jail not exceeding six months, or both, and if the statements are untrue the person so offending shall also be deemed guilty of libel and may be prosecuted in the civil or criminal courts, or both, thereof. (Act 1895, Sec. 1, P. L. 389.)

319 It shall not be lawful for any political organization to parade through the streets of the city of Philadelphia after dark, within ten days next preceding any general election.

Parading after dark within 10 days of election in Philadelphia

Any person violating the provisions of this section shall be liable to a penalty not exceeding fifty dollars, and an imprisonment not exceeding sixty days. (Act 1867, Secs. 1 and 2, P. L. 1129.)

320 No officer, clerk or employee of any city of the first class, or of any department, trust or commission thereof, shall be a member of, or delegate or alternate to, any political convention, nor shall he be present at any such convention except in the performance of his official duty. No officer, clerk or employee of any city of the first class, or of any department, trust or commission thereof, shall serve as a member of, or attend the meetings of, any committee of any political party, or take any active part in political management or in political campaigns, or use his office to influence political movements, or influence the political action of any other officer, clerk or employee of any such city, department, trust or commission. No officer, clerk or employee of any city of the first class shall in any way or manner interfere with the conduct of any election, or the preparation therefor, at the polling-place, or with the election officers while counting the vote or returning the ballot-boxes, books and papers to the place provided by law for that purpose, save only for the purpose of marking and depositing his ballot as speedily as it reasonably can be done or be within any polling-place, or within fifty feet thereof, except for purposes of ordinary travel or residence, during the period of time beginning with one hour preceding the opening of the polls for holding such election and ending with the time when the election officers shall have finished counting the votes, and have left the polling-place for the purpose of depositing the ballot-boxes and papers in the place provided by law for that purpose, excepting only

Employees of Philadelphia not to take part in campaign

Police

officers of the Bureau of Police, who may temporarily approach or enter the polling-place in order to make any arrest permitted by law, or for the purpose of preserving order, and in such case only long enough to accomplish the duties aforesaid, after which the said officers shall at once withdraw. Any officer, clerk, or employee of any city of the first class, or any department, trust or commission thereof, violating any of the provisions of this section shall be immediately dismissed by the mayor, or by the head of the department, trust or commission in which he is employed. (Act 1906, Sec. 2, P. L. 20.)

VI. REGULATION OF ELECTION EXPENSES

321 The term "candidate for nomination," as used herein, shall include all persons whose names are presented for nomination to public office at any primary meeting, caucus, or convention, whether or not such persons are actually nominated thereat.

The term "candidate for election," as used herein, shall include all persons whose names are printed as candidates on the official ballots, or on any official sticker, used at any election; and also all persons voted for, for any public office, who shall receive at least ten per cent. of the highest vote received by the successful candidate for such office, but whose names were not printed on the official ballots. Definitions

The term "candidate," as used herein, shall, unless especially restricted therein, include both candidates for nomination and candidates for election.

The term "public office," as used herein, shall include every public office to which persons can be elected by vote of the people, under the laws of this Commonwealth.

The term "political committee," as used herein, shall include every two or more persons who shall be elected, appointed or chosen, or who shall have associated themselves or co-operated, for the purpose, wholly or in part, of raising, collecting or disbursing money, or of controlling or directing the raising, collection or disbursement of money, for election expenses.

The term "election expenses," as used herein, shall include all expenditures of money or other valuable things in furtherance of the nomination of any person or persons as candidates for public office, or in furtherance of the election of any person or persons to public office, or to defeat the nomination or election to public office of any person or persons. (Act 1906, Sec. 1, P. L. 78.)

Political committees to have
Treasurer

322 Every political committee shall appoint and constantly maintain a treasurer, to receive, keep and disburse all sums of money which may be collected or received by such committee, or by any of its members, for election expenses; and unless such treasurer is first appointed, and thereafter maintained, it shall be unlawful for a political committee or any of its members to collect, receive or disburse money for any such purpose. All money collected or received by any political committee or by any of its members, for election expenses, shall be paid over and made to pass through the hands of the treasurer of such committee, and shall be disbursed by him; and it shall be unlawful for any political committee or any of its members to disburse any money for election expenses, unless such money shall have passed through the hands of the treasurer. (Act 1906, Sec. 2, P. L. 78.)

Money received and disbursed to
pass through his
hands

323 No person who is not a candidate, or the treasurer of a political committee, shall pay, give or lend, or agree to pay, give or lend, any money or other valuable thing, whether contributed by himself or by any other person, for any election expenses whatever, except to a candidate or to a political committee; and no officer of any corporation, whether incorporated under the laws of this or any other State or any foreign country, except corporations formed for political purposes, shall pay, give or lend, or authorize to be paid, given or lent, any money or other valuable thing belonging to such corporation to any candidate or to any political committee, for the payment of any election expenses whatever. (Act 1906, Sec. 3, P. L. 79.)

Contributions for
election expenses
by corporations

Lawful Expenses

324 No candidate, and no treasurer of any political committee, shall pay, give or lend, or agree to pay, give or lend, either directly or indirectly, any money or other valuable thing for any nomination or election expenses whatever, except for the following purposes:

First. For printing and traveling expenses, and personal expenses incident thereto, stationery, advertising, post-

age, expressage, freight, telegraph, telephone, and public messenger services.

Second. For dissemination of information to the public.

Third. For political meetings, demonstrations and conventions, and for the pay and transportation of speakers.

Fourth. For the rent, maintenance and furnishing of offices.

Fifth. For the payment of clerks, typewriters, stenographers, janitors, and messengers, actually employed.

Sixth. For the employment of watchers at primary meetings and elections, to the number allowed by law.

Seventh. For the transportation of voters to and from the polls.

Eighth. For legal expenses, bona fide incurred, in connection with any nomination or election. (Act 1906, Sec. 4, P. L. 79.)

325 Every candidate for nomination at any primary election, caucus, or convention, whether nominated thereat or not, shall, within fifteen days after the same was held, if the amount received or expended shall exceed the sum of fifty dollars, and every candidate for election, and every treasurer of a political committee, or person acting as such treasurer, shall, within thirty days after every election at which such candidate was voted for, or with which such political committee was concerned, if the amount received or expended shall exceed the sum of fifty dollars,—file with the officers hereinafter specified a full, true and detailed account, subscribed and sworn or affirmed to by him, before an officer authorized to administer oaths, setting forth each and every sum of money contributed, received or disbursed by him for election expenses, the date of each contribution, receipt and disbursement, the name of the person from whom received or to whom paid, and the object or purpose for which the same was disbursed. Such account shall also set

Accounts

forth the unpaid debts and obligations of any such candidate or committee for election expenses, with the nature and amount of each, and to whom owing. In the case of candidates for election, who have previously filed accounts as candidates for nomination, the accounts shall only include contributions, receipts and disbursements subsequent to the date of such prior accounts. If the aggregate receipts or disbursements of a candidate or political committee, in connection with any nomination or election, shall not exceed fifty dollars, the treasurer of the committee or candidate shall, within thirty days after the election, certify that fact, under oath, to the officer with whom the statement is filed, as hereinafter provided. (Act 1906, Sec. 5, P. L. 79.)

Vouchers

326 Every such account shall be accompanied by vouchers for all sums expended exceeding ten dollars in amount. It shall be unlawful for any candidate, or treasurer of a political committee, or person acting as such treasurer, to disburse any money received from any anonymous source. (Act 1906, Sec. 6, P. L. 80.)

Anonymous contributions

With whom filed

327 Every such account, concerning expenses incurred by, or in regard to, candidates for offices to be voted for by the electors of the State at large, shall be filed with the Secretary of the Commonwealth; and every such account, concerning expenses incurred by, or in regard to, candidates for other offices, shall be filed with the clerk of the court of quarter sessions of the several counties where such candidates may respectively reside: Provided, That if any account concerns expenses in regard to candidates who do not all reside in the same county, such accounts shall be filed in each county in which any such candidate (not being a candidate for an office to be voted for by the electors of the State at large), resides. (Act 1906, Sec. 6, P. L. 80.)

Oath of office not to be administered until account filed

328 It shall be unlawful to administer the oath of office to any person elected to any public office, until he has filed an account as herein required, and no such person shall enter upon the duties of his office until he has filed such account,

nor shall he receive any salary for any period prior to the filing of the same. (Act 1906, Sec. 7, P. L. 80.)

329 All such accounts shall be open to public inspection in the offices where they are filed, and shall be carefully preserved there for a period of two years. (Act 1906, Sec. 8, P. L. 81.)

Inspection and
preservation

330 Within twenty days after the last day for the filing of any account required by this act, any five electors of the State, or of the political division thereof concerning which any such account has been filed, may present a petition to the court of quarter sessions of the county in which the office where such account has been filed is situated, praying for an audit of such account. The court shall thereupon direct the officer or officers with whom such account has been filed to certify the same to the court for audit, and may, in its discretion, require security to be entered for costs. The court may, in its discretion, appoint an auditor to audit said account; but the fees of such auditor shall not exceed the sum of ten dollars a day for each day actually engaged. The court or auditor shall fix a date, as early as may be convenient, for the audit; at which time the person by whom such account has been filed shall be required to be present in person, to vouch his account, and answer, on oath or affirmation, all such relevant questions concerning same as may be put to him by the petitioners or their counsel. The auditor shall issue subpoenas to all parties whom the petitioner or the accountant may require to give evidence concerning such account, and he shall determine, subject to exception, all questions as to the admissibility of evidence, and shall file a copy of the evidence with his report. If, upon the audit, the court shall decide that the account was false in any substantial manner, or that any illegal election expenses were incurred, the costs of said audit shall be paid by the accountant; but otherwise, by the petitioners. (Act 1906, Sec. 9, P. L. 81.)

Audit of accounts

Costs

Appeal

331 The decision of the court upon the audit shall be subject to appeal; but if the court shall decide that any candidate who has been elected has incurred any illegal election expenses, or has consented to the incurring of any illegal election expenses by any person or committee, the court shall certify its decision to the Attorney General, who shall thereupon cause a writ of quo warranto to be issued; and if, upon proceedings under such writ of quo warranto, it shall be decided that the candidate in question has incurred any illegal election expenses, or has consented to the incurring of illegal election expenses by any person or committee, his election shall be declared void and his office vacant: Provided, That in the case of candidates elected to the office of Senator or Representative in the General Assembly, the decision of the court shall be certified to the President of the Senate or to the Speaker of the House of Representatives, as the case may be: And provided further, That in the case of any candidate elected to the office of member of the House of Representatives of the United States, the decision of the court shall be certified to the Governor of this Commonwealth who shall transmit the same to the Speaker of the said House of Representatives. (Act 1906, Sec. 10, P. L. 81.)

Quo warranto

Criminal proceedings

332 If the court shall decide, upon the audit, that any person, whether a candidate or not, has incurred illegal election expenses, or has otherwise violated any of the provisions of this act, it shall certify its decision to the district attorney of the county in which such person may reside, and it shall thereupon be the duty of such district attorney to institute criminal proceedings against such person. (Act 1906, Sec. 11, P. L. 82.)

Giving testimony

333 No person shall be excused from answering any question, in any proceedings under this act, on the ground that such answer would tend to incriminate him; but no such answer shall be used as evidence against such person in any criminal action or prosecution whatever, except in an action

for perjury in giving such testimony. (Act 1906, Sec. 12, P. L. 82.)

334 The Secretary of the Commonwealth shall, at the ex- Blank forms
 pense of the Commonwealth, furnish to the county commissioners blanks, in the form approved by the Secretary and Attorney General, suitable for the statements hereinbefore required. On the receipt of the list of candidates for public offices, before a caucus or primary, or upon the filing of a nomination, before a municipal election; the county commissioners shall transmit to the candidate or candidates put in nomination, or at said primaries, and to the treasurers of political committees, the blanks above described. Upon the filing of a nomination for a State or National election, the Secretary of the Commonwealth shall transmit to the candidate or candidates put in nomination, and to the treasurer of the political committees, the blanks above described. To any person required to file a statement, such blank shall be furnished upon application therefor. (Act 1906, Sec. 13, P. L. 82.)

335 Any person who shall incur any illegal election ex- Penalty
 penses, or otherwise violate any of the provisions of this act, shall be guilty of a misdemeanor; and, upon conviction thereof, shall be punished by a fine of not less than fifty dollars or more than one thousand dollars, or by imprisonment for not less than one month or more than two years, either or both, at the discretion of the court. (Act 1906, Sec. 14, P. L. 82.)

VII. ELECTION CONTESTS

Classification

336 The several classes of election which may be contested in this Commonwealth are hereby distinguished and designated as follows, to wit:

I. The Governor and Lieutenant-Governor of the Commonwealth.

II. Electors of President and Vice-President of the United States, and all officers of this Commonwealth (except Governor and Lieutenant-Governor), who now are or hereafter shall be required to be elected by the qualified voters of the State at large.

III. The judges of the several courts of record, to be learned in the law, other than judges of the Supreme Court.

IV. All other officers (excepting members of the General Assembly), whether elected by the qualified voters of counties, cities, townships, boroughs, wards, school districts or any other division of the State. (Act 1874, Sec. 1, P. L. 208.)

First Class

337 Contested elections of Governor and Lieutenant-Governor shall be tried and determined by a committee to be selected from both houses of the General Assembly, and formed and regulated in the following manner: (Act 1874, Sec. 20, P. L. 213).

Petition to President of Senate

338 Upon the petition, in writing, of at least one hundred qualified electors of the Commonwealth, accompanied by the affidavit, taken and subscribed by at least twenty of the petitioners, before some person having authority to administer oaths, that the facts set forth are true to the best of their knowledge and belief, and a certificate from the prothonotary of the county or counties where the petitioners reside, that they are all qualified electors, being presented to the President of the Senate, within ten days from the

organization of the Legislature next succeeding the election complained of, he shall immediately give information thereof to both houses; such petition being read in each house, shall be laid on the table, without any question taken thereon, until the two houses shall proceed thereon, in manner following: (Act 1874, Sec. 21, P. L. 214.)

339 The Senate and House of Representatives shall, on a day and hour to be agreed on between them, which day shall be within five days of the reception of the petition, as aforesaid, convene in the hall of the House of Representatives, where the petition shall be read by the Clerk of the Senate; the names of the members of each house shall then be called over by the respective clerks, and a quorum of each house being present, a joint committee shall be formed as follows:

Proceedings
thereon

I. The names of all the Senators present, except the President pro tempore, shall be written on distinct pieces of paper, as nearly alike as may be, each of which shall be rolled up and put into a box by the clerk of the House of Representatives, and placed on the Speaker's table.

Selection of
committee

II. The Clerk of the Senate having shaken and intermixed the said papers, shall draw them out one by one, and put them alternately into three boxes, also placed on the Speaker's table.

III. When the whole number shall be thus distributed, the Clerk of the House of Representatives shall shake and intermix the papers in each box, and shall draw alternately from each box the papers so rolled up, and shall deliver them singly to the Speaker of the House of Representatives.

IV. The Speaker of the House of Representatives shall open the said papers singly, and read aloud the name on each, and then deliver the papers singly to the President of the Senate, who shall place them openly on the table.

V. A member of each house, to be designated by the respective presiding officers, shall take down in writing the

name so called, and shall each of them repeat aloud the name so written, until the number of twelve names be drawn out and written down. (Act 1874, Sec. 22, P. L. 214.)

340 The like proceedings shall then be had for drawing twenty-five members of the House of Representatives for the purpose: Provided,

I. That the duties herein enjoined upon the Clerk of the House of Representatives, shall be performed by the Clerk of the Senate.

II. That the duties enjoined upon the Clerk of the Senate shall be performed by the Clerk of the House of Representatives.

III. That the duties hereinbefore enjoined upon the Speaker of the House of Representatives shall be performed by the presiding officer of the Senate.

IV. That the duties hereinbefore enjoined upon the President of the Senate shall be performed by the Speaker of the House of Representatives, whose name shall not be placed in the box. (Act 1874, Sec. 23, P. L. 214.)

Challenges

341 If any objection be made by either of the parties to any member so drawn by lot, such member shall be discharged, and another name be drawn to supply the place, and so on until the whole number of twelve Senators and twenty-five members of the House of Representatives shall be completed; and in all cases the members drawn in place of those objected to, shall be in like manner liable to be set aside, and others shall be drawn in their places; but if so many be set aside by reason of objections, as aforesaid, that there shall not remain more than the number aforesaid, then no further objection shall be admitted. (Act 1874, Sec. 24, P. L. 215.)

Remaining names
to be drawn and
read

342 When the number aforesaid shall be completed, the Clerk of the House of Representatives shall draw out, one by one, the names of the remaining members of the Senate,

and deliver them singly to the Speaker of the House of Representatives, who shall unfold and read them aloud; and the Clerk of the Senate shall, in like manner, draw out the names of the remaining members of the House of Representatives, and deliver them singly to the Speaker of the Senate, who shall unfold them and read them aloud; and if any unfairness or mistake shall then be discovered therein, the whole proceedings shall be set aside, and the same shall be renewed in manner and form hereinbefore directed; but after the committee is sworn, no objection for such cause shall be received. (Act 1874, Sec. 25, P. L. 215.)

343 When the proceedings aforesaid shall be concluded, a list of the twelve members of the Senate and a separate list of the twenty-five members of the House of Representatives, so drawn, shall be given to each of the parties, who shall immediately withdraw to some adjoining room, with a clerk or member appointed by the joint vote of members present, where they shall proceed to strike off alternately the names upon such list, until the number shall be reduced to four members of the Senate and nine of the House of Representatives. (Act 1874, Sec. 26, P. L. 215.)

Striking names

344 On the parties withdrawing to form such select committee, the members of both houses shall continue convened, and the members whose names shall have been drawn out of the boxes shall not depart the conference room without leave, until the time and place for the meeting of the select committee shall be fixed as hereinafter provided. (Act 1874, Sec. 27, P. L. 215.)

Members not to leave conference

345 Within one hour from the time of withdrawing as aforesaid, the parties shall deliver to the presiding officer of the Senate the names of the said four members of the Senate and nine of the House of Representatives remaining on the list, who shall then respectively take an oath or affirmation, to be administered by the presiding officer of the Senate, to try the matter of the petition and to give a

Names of committee to be delivered to President of Senate

true judgment thereon, according to the evidence, unless the committee shall be dissolved. (Act 1874, Sec. 28, P. L. 215.)

Time and place
of meeting

346 The time and place for the meeting of the select committee so appointed, shall then be directed by the joint vote of the members of both houses, which time shall be within forty-eight hours of the appointment. (Act 1874, Sec. 29, P. L. 216.)

When members
may be excused
from serving

347 If any person appointed a member of such select committee shall, at the time of such appointment, swear or affirm that he cannot, without great inconvenience, serve on such committee, he shall be excused, and in such case another shall be substituted. But if any member of such committee shall neglect to attend upon the committee, his name shall be reported in writing to the house of which he shall be a member, and unless satisfactory reasons be given for his non-attendance, he shall be reprimanded by the presiding officer of the house of which he is a member. (Act 1874, Sec. 30, P. L. 216.)

Chief Justice to
preside

348 The select committee so chosen shall be presided over by the chief justice of the Supreme Court, who shall decide questions regarding the admissibility of evidence, and he shall, upon request of the committee, pronounce his opinion upon other questions of law involved in the trial; but he shall not have a vote on the final determination of the case. Immediately after the appointment of the select committee aforesaid, the presiding officer of the Senate shall notify the chief justice of the Supreme Court thereof, and he shall immediately attend the meetings of the committee, as the presiding officer thereof. (Act 1874, Sec. 31, P. L. 216.)

Sittings of the
committee

349 The select committee shall sit from day to day, Sundays excepted, at such hours as shall not interfere with their attendance in the Legislature; but, unless nine of their number be present, the committee after waiting one hour, shall adjourn to the next day; and if the number of the committee

shall unavoidably be reduced to less than nine members, and shall so continue for the space of three days, Sundays excepted, the committee shall be dissolved, and there shall be another chosen in manner aforesaid: Provided, That when the two houses shall stand adjourned for more than three days, the committee may adjourn to the same time. (Act 1874, Sec. 32, P. L. 216.)

350 The select committee shall have power to send for persons, papers and records, and to compel the attendance of and examine all witnesses who may come before them, upon oath or affirmation, which the chief justice of the supreme court, or clerk of the committee, may administer in their presence, and to decide not only on the validity of such contested election, but also which of the candidates had the greatest number of legal votes. (Act 1874, Sec. 33, P. L. 216.)

Powers
Examination of
witnesses

351 When it is proven to the satisfaction of said committee, that any person, not a legally qualified voter, voted at any such contested election, it shall be lawful for said committee to compel said voter to disclose, under oath, for which of the respective candidates he voted; but when the committee examines the witness on oath as to the person or persons for whom he voted, and said witness, on such examination, discloses the names of the persons for whom he voted at such election, he shall not afterwards be presented for having illegally voted at such election. (Act 1874, Sec. 34, P. L. 216.)

May compel
unqualified voter
to disclose for
whom he voted

352 The doors of the room in which the select committee shall meet shall remain open during the examination of witnesses, but may be shut at any other time; all determinations required to be made by such committees shall be by a majority of the whole number appointed; and as soon as the committee shall have agreed upon the same, two reports thereof shall be made in writing, one of which shall be delivered to the presiding officer of the Senate, and the other

Proceedings of
committee

Reports

to the Speaker of the House of Representatives; which reports shall be entered on the Journals of the respective houses, and shall be final and conclusive. (Act 1874, Sec. 35, P. L. 217.)

Reports to be
conclusive

353 If the committee, or a majority thereof as aforesaid, shall report that either of the candidates had the greatest number of legal votes, and ought to be admitted to the office, such candidate shall thereupon be entitled to such office. (Act 1874, Sec. 36, P. L. 217.)

In case of invalid
election new
election to take
place

354 If the committee, or a majority thereof as aforesaid, shall report that such election or return is invalid, a new election shall take place on the day of the general election ensuing, agreeably to the Constitution, of which the presiding officer of the Senate and Speaker of the House of Representatives shall immediately give notice, by their joint writ directed to the sheriffs of the respective counties; and the sheriffs of the respective counties shall give due notice thereof according to law. (Act 1874, Sec. 37, P. L. 217.)

Cases of second
class to be tried
by C. P. of
Dauphin County

355 Cases of the second class shall be tried and determined by the court of common pleas of Dauphin county; and for the purpose of hearing and determining the complaint in the petition in such cases, the court of common pleas of the Twelfth judicial district shall notify to sit with it, on the hearing of such complaint, two president judges, learned in the law, residing nearest to the court house of the said judicial district; and the judges so notified shall appear and sit as part of the said court on the hearing, trial and determination of such petition. (Act 1874, Sec. 3, P. L. 209.)

356 After the hearing of the said case, the said judges shall without unnecessary delay, decide which of the candidates voted for received the greatest number of legal votes, and is entitled to the office; which decision shall be entered of record to the case in the said court, and a certified copy thereof shall, within five days from the rendering thereof, be delivered to the Secretary of the Commonwealth; whereupon

the person who, by the decision of the court, shall appear to have received the largest number of votes, shall be entitled to the office, and be commissioned accordingly. (Act 1874, Sec. 4, P. L. 209.)

357 Contested elections of president or additional law judges of any of the judicial districts of this Commonwealth, shall be tried and determined before the court of common pleas of the county where the person returned as elected shall reside in manner following. (Act 1874, Sec. 5, P. L. 209.)

Cases of third class

358 Upon the petition in writing of at least fifty qualified electors, of the district for which the person whose election is contested was returned as elected, accompanied by the affidavit of not less than ten of such petitioners, being presented in due form to the Attorney General of the Commonwealth, complaining of an undue election or false return of any president or additional law judge of any judicial district of the Commonwealth, the Attorney General shall immediately notify the Governor thereof, who shall, without delay, direct the three president judges residing nearest to the court house of the county composing the district, or if more than one county composes the judicial district, then those nearest the court house of the most populous county of the district, to convene, without delay, the court of common pleas of such county, and proceed to hear and determine the complaint of the said petition; and after such hearing the said judges shall, with no unnecessary delay, decide which of the candidates voted for received the greatest number of legal votes, and is entitled to the office; which decision shall be entered of record to the case in said court, and a certified copy thereof shall, within five days from the rendering of such decision, be transmitted to the Secretary of the Commonwealth; whereupon the person, who, by the said decision, shall appear to have received the largest number of votes, shall be entitled to the office, and commissioned accordingly: Provided, No order shall be taken on such petition, unless it shall be presented to the Attorney General

Petition to Attorney General

Court, How composed

within thirty days after the election complained of. (Act 1874, Sec. 6, P. L. 209.)

District contain-
ing more than
one C. P. Court

359 In any contested election of any president or additional law judge in any judicial district, where there is more than one court of common pleas, the court of the next highest number to the court for which the person whose election is contested is returned as elected, if there be one higher, and if not, the one next lower, shall perform all the duties required of the three president judges, as prescribed in the foregoing section. (Act 1874, Sec. 7, P. L. 210.)

Appeal
When Allowed

360 When the election of a judge of the Supreme Court, or a judge of any subordinate court of record, required to be learned in the law, shall be contested, if the trial and determination of such election contest shall involve the true construction of any provision of the Constitution, or if the decision shall depend on any question arising upon the Constitution, an appeal shall lie from the decision of the court or judges empowered to try such contested election to the Supreme Court. (Act 1878, Sec. 1, P. L. 204.)

How taken

361 Such appeal may be taken by any person whose right to the office was tried and determined, or by any person aggrieved by the decision, within thirty days after the decision of the judges shall have been entered of record to the case in the court of common pleas. The appeal shall be filed in the prothonotary's office of the proper district, but may be heard by the said Supreme Court in any district; and it shall be the duty of said court to hear and decide the same, without delay. (Act 1878, Sec. 2, P. L. 205.)

Court below to
state findings of
fact and conclu-
sions of law

362 To this end, it is hereby made the duty of the judges in the court of common pleas trying such election contest to, first, find separately and explicitly the facts deemed by them material to the decision, and also such other facts as any party to the contest may request them in writing to ascertain; and to, second, answer such points of law as may be submitted to them. (Act 1878, Sec. 3, P. L. 205.)

363 The said Supreme Court, having decided the constitutional question involved in such election contest, shall thereupon proceed to decide and declare which of the candidates voted for received the greatest number of legal votes and is entitled to the office, and shall cause their decision to be certified to the Secretary of the Commonwealth; whereupon, the person who, by the decision of the said Supreme Court, shall appear to have received the largest number of legal votes, shall be entitled to the office and be commissioned accordingly. (Act 1878, Sec. 4, P. L. 205.)

Judgment of
Supreme Court

364 Contested elections of Senators and members of the House of Representatives shall be tried and determined by the court of common pleas of the county where the person returned as such shall reside, in the manner following: (Act 1874, Sec. 11, P. L. 211.)

Senators and
Representatives

365 Upon petition in writing of at least twenty qualified electors of the Senatorial district, in case of a Senator, and of the county, in case of a member of the House of Representatives, complaining of an undue election or false return of any Senator or Representative, the court, if in session, or the president judge thereof, if in vacation, shall immediately appoint a suitable time for the hearing in open court of such complaint; and if the court is not in session, the president judge to whom such complaint is made, shall direct the court to convene for that purpose, notice of which shall be given to the person returned, at least ten days before such hearing; but no order shall be taken on such petition, unless it be accompanied by the affidavit of at least five of the petitioners, taken before a person qualified to administer oaths or affirmations, setting forth that the facts there stated are true to the best of their knowledge and belief, and unless such petition shall be presented within thirty days of the election complained of. On the trial of contested elections of Senators and members of the House of Representatives, the petitioners complaining of the election,

Petition to Court
of Common Pleas

and the person returned as elected, shall be the parties thereto. (Act 1874, Sec. 12, P. L. 211.)

Attendance of
witnesses

366 The court of common pleas to which a petition shall be presented, as aforesaid, contesting the right of a Senator or member of the House of Representatives to the seat for which he may have been returned as elected, shall have authority to compel the attendance of any officer of the election complained of, and of any person capable of testifying concerning the same; and also to compel the production of all books, papers, tally-lists, tickets, ballot boxes and all other documents which may be required at such hearing, in like manner and to the same extent as in other cases litigated before such court; to appoint commissioners to take testimony, and to proceed without delay, postponing for the purpose, if necessary, all other business, to the hearing and determination of such case. (Act 1874, Sec. 13, P. L. 211.)

Judgment of the
Court

367 After the hearing, as aforesaid, the court shall, without unnecessary delay, decide which of the candidates voted for received the greatest number of legal votes, and is entitled to the certificate of election. (Act 1874, Sec. 14, P. L. 212.)

Revision by
Senate or House
of Representatives

368 The Secretary of the Commonwealth shall, on the day of the meeting of the next General Assembly, or, if in session, then immediately upon its reception, deliver to the Speaker of the proper house the certified copy of the decision of the court aforesaid; any claimant to a seat in either branch of the Legislature, who shall feel aggrieved by the decision of the court in his case, may present his petition to the proper house, within ten days after the meeting of the Legislature, or within ten days after the decision shall have been made in his case, if the Legislature shall then be in session, setting forth his claim to the seat; which petition shall have appended thereto the affidavit of the petitioner, setting forth that he verily believes that he was duly elected to the seat, and that the statements set forth in his petition

are just and true, to the best of his knowledge and belief; and said petition shall also be signed by at least twenty qualified electors, of the proper county or district, at least five of whom shall make affidavit that the facts set forth in said petition are true, to the best of their knowledge and belief; such petition when presented, shall be referred to a standing committee on elections, which committee shall proceed to hear the claims of the contestants and respondent, and report the facts and a resolution expressing the decision of the committee for the consideration of the house; and the vote of the proper house on the claims of the contestants and respondent shall be final: Provided, That no resolution deciding such question shall be adopted unless it shall receive the votes of a majority of all the members elected to the house considering the same. (Act 1874, Sec. 15, P. L. 212.)

369 Cases of the fourth class shall be tried and determined by the court of quarter sessions of the peace of the county in which the election contested shall be held. (Act 1874, Sec. 16, P. L. 212.)

Cases of fourth class to be tried by Quarter Sessions

370 The proper court or judge shall have power to compel the attendance of any election officer, or other person, as a witness, and may also compel the production of all books, papers, tally-lists, returns of election, other documentary or record evidence, at discretion, for use on the trial, and may issue subpoenas and attachments, for these purposes, as in other cases of proceedings in the courts of this Commonwealth; and all such books, papers, documents, ballots, boxes and records shall be returned to the proper custody. Certified copies of all election papers, assessments, registers of votes and records, duly authenticated by the person having custody thereof, shall be competent evidence, and prima facie proof of their contents; but the party against whom the same shall be produced, shall have the right to compel the attendance of the person who certifies them, for cross-examination. Examiners, to take and report evidence, may

Power of Court Attendance of witnesses, etc.

be appointed; and reasonable notice of the time and place of taking the same shall be prescribed by the court, or judge, and served upon the opposite party. (Act 1874, Sec. 8, P. L. 210.)

Time for taking
testimony

371 Hereafter in all contested elections, except of Governor, Lieutenant-Governor, electors of President and Vice-President of the United States, and all other officers of this Commonwealth who now are or hereafter shall be required to be elected by the qualified voters of the State at large, the time to be consumed in taking testimony in court or before an examiner or examiners appointed for that purpose shall not exceed ninety days in any one case, no matter whether such testimony be taken in court or before an examiner or examiners, or partly in court and partly before an examiner or examiners, and said testimony shall be taken in the following order, to wit: A period of time not exceeding forty days shall be allowed the contestant for this purpose; a succeeding period of time, not exceeding forty days, shall be allowed for said purpose to the person returned as elected; and the contestant may take testimony in rebuttal during ten days, immediately succeeding the time allowed the person returned as elected for taking testimony; and for any testimony taken after the limit of time herein fixed, no contest court shall have the power to charge any costs to any district, county, city, township, borough, ward, school district, or municipality, nor shall they be under any liability for the payment of the same, but the said court may order the contestant, petitioners, or person returned elected, to pay the costs, as in its discretion it is deemed just and proper. (Act 1899, Sec. 1, P. L. 103.)

Costs for testi-
mony after time
limit to be paid
by parties

372 Provided, That no costs shall be paid out of the treasury of any district, county, city, township, borough, ward, school district or municipality in any such contest until the same has been finally determined; and no costs, accruing or chargeable in any case after the limit of time herein fixed, shall be paid by the proper district, county, city, township,

borough, ward, school district, or municipality, nor shall they be under any liability for the payment of the same. (Act 1899, Sec. 1, P. L. 103.)

373 Witnesses and officers shall be paid the same fees as are now or hereafter shall be fixed by law for similar services in the county in which the trial shall be held, but witnesses whose votes are shown to be illegal shall receive no witness fees or mileage. (Act 1899, Sec. 1, P. L. 118.)

Compensation of witnesses, etc.

374 In contested elections of president or additional law judges, and of county, borough, township, municipal officers, or school directors, or school controllers, if the contestant or contestants fail to establish his or their right to the office to which he or they claimed to have been elected, the petitioners and each and every of them shall be jointly and severally liable for all the costs, and the same may be collected as debts of like amount are by law collectible, or payment thereof may be enforced by attachment. In case the contestant or contestants establish his or their right to the office in either of the above named cases, the costs shall be paid by the proper district, county, borough, township, municipality or school district. Whenever a petition to contest an election in any of said cases shall be presented to the court, it shall be the duty of said petitioners, within ten days thereafter, to file a bond signed by at least five of the said petitioners in such sum as the said court, or any judge thereof during vacation, shall designate, with sureties to be approved by the said court or judge, conditioned for the payment of all costs which may accrue in said contested election proceeding, in case the said petitioners by decree of said court shall be adjudged liable to pay said costs, and if the said bonds shall not be filed, as herein provided, the said petition to contest the election shall be dismissed. (Act 1899, Sec. 1, P. L. 118.)

Liability for costs

375 In contested elections of electors of President and Vice-President, and State officers whose jurisdiction extends over the State, and Senators and members of the House of

Representatives, if the court or judge shall decide that the complaint is without probable cause, the petitioners and every of them shall be jointly and severally liable for all the costs, and the same may be collected as debts of like amount are by law collectible, or payment thereof may be enforced by attachment. In contested elections of electors of President and Vice-President, and State officers whose jurisdiction extends over the State, and Senators and members of the House of Representatives, as aforesaid, in which the court or judge shall not decide that the complaint is without probable cause, the Commonwealth shall be liable for all costs, and the same shall be paid by the State Treasurer out of any moneys not otherwise appropriated, on bills certified to be correct by the proper court or judge, upon examination and approval of the Auditor General. (Act 1899, Sec. 1, P. L. 118.)

**Apportionment
of cost**

376 Whenever, in contested elections of president or additional law judges, and of county, borough, township or municipal officers, if any court or Judge shall have heretofore decided, or shall hereafter decide, that the complaint was not, or is not, without probable cause, the said court or judge is hereby authorized, and shall apportion all the costs among the proper districts, counties, cities, townships, boroughs, wards, school districts or municipalities of the whole district in which contest is had, in such way as said court or judge shall think just; and to compel by order the payment of such amounts so apportioned to each by the properly constituted authorities of each other of the proper districts, counties, cities, townships, boroughs, wards, school districts or municipalities, as the payment of debts by the same can now be enforced. (Act 1876, Sec. 1, P. L. 148.)

Stenographers

377 The proper court or judge shall have power to appoint phonographic reporters, if necessary, to take the testimony, and may order printing of such matters as may be necessary during the trial; and all bills for such reports and printing,

Printing

certified to be reasonable and correct by the court or judge, shall be a part of the costs, and collectible as other costs in the case: Provided, That all printing required in cases of the second and third classes, shall be done by the State Printer, at contract prices; and in all other cases, the prices to be paid for such reporting and printing shall be fixed in the order providing therefor, and no more than the amount thus fixed shall be paid in any case. (Act 1874, Sec. 10, P. L. 211.)

378 No judge shall sit on the trial of a case in which he shall be a party. In any case where, by reason of incompetency or any disability to act, there shall be no law judge of the district in which any contest shall arise present, and able as well as qualified to act, the judge, learned in the law, residing nearest the court house of the county in which, by the provisions of this act, the trial in any such case is required to be had, except in cases otherwise provided in this act, shall preside on the trial, and shall have and exercise all the powers and authority, and discharge all the duties, granted to or imposed upon the regular judges of the said courts, in cases wherein they are qualified and required to act by the provisions of this law. Any law judge, who is hereby authorized to preside in any such case, and any president or other judge, learned in the law, of the proper court, shall have full power to hold any of the said courts, by this act required to try any such contested election case, without the assistance of the associate justices, or either of them, of such courts, not learned in the law. And all of the said courts and judges, hereby required to try any contested election case, shall have plenary power to make, issue and enforce all necessary orders, rules, process and decrees, for a full and proper understanding and final determination and enforcement of the decision of every such case, according to the course of practice in similar cases, under the laws of this Commonwealth, or which may be necessary and proper to

When judge
incompetent

Powers of Court

carry out the provisions of this act. (Act 1874, Sec. 17, P. L. 212.)

Proceedings to be
commenced by
petition
Form
Procedure

379 The commencement of proceedings, in every case, shall be by petition, which shall be made and filed, as herein required, within thirty days after the day of election; the petition shall concisely set forth the cause of complaint, showing wherein it is claimed the election is undue or illegal, and after filing, shall not be amended, unless such amendment shall be allowed by the proper court or judge, after notice to the other party and hearing; and if allowed, reasonable time shall be given to answer. In cases of the second class, the petition shall be signed by at least one hundred qualified electors who voted at the election contested; in cases of the third class, by at least fifty such electors; and in cases of the fourth class, by at least twenty-five; and shall be verified by at least five of the petitioners, by affidavit taken and subscribed before some person authorized by the laws of this Commonwealth to administer oaths, setting forth that they verily believe the facts stated therein are true, that according to the best of their knowledge and belief, the election was undue or illegal, and the return thereof not correct, and that the petition to contest the same is made in good faith. The petition shall be presented to the court or law judge having jurisdiction, except where otherwise provided in this act; and, if it shall be adjudged sufficient it shall be filed of record in the proper court, and thereupon a time shall be fixed for hearing. Notice of the filing of the petition, with a copy thereof, shall be served upon the person whose right of office shall be contested, together with a rule to answer at the time fixed for hearing; which notice, copy and rule shall be served such length of time before the day fixed for hearing, as the said court or judge shall require, not exceeding forty days, in cases of the second and third classes, and in all other cases, not exceeding thirty days. (Act 1874, Sec. 18, P. L. 213.)

380 In trials of contested elections, and in all proceedings for the investigation of elections, no person shall be permitted to withhold his testimony upon the ground that he may incriminate himself, or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony. (Act 1874, Sec. 19, P. L. 213.)

Witnesses not to
be excused from
testifying

381 Whenever it shall appear by the returns of election laid before the Governor, by the Secretary of the Commonwealth, as now required by law, that any person has been duly elected to the office of prothonotary, clerk of the courts, recorder of deeds or register of wills, judge, or any other officer receiving a commission from the Governor, in any of the several counties of this Commonwealth, it shall be the duty of the Governor to issue a commission to such person, notwithstanding that the election of such person to any or either of said offices may be contested, in the manner now provided by law: Provided, That whenever it shall appear by the decision of the proper tribunal having jurisdiction of said contested election, that the person to whom said commission shall have issued, has not been legally elected to the office for which he has been commissioned, then a commission shall issue to the person who shall appear legally elected to said office; the issuing of which commission shall nullify and make void the commission already issued, and all power and authority under said commission first issued, shall thereupon cease and determine: Provided further, That this act shall not in any manner affect any contest now pending. (Act 1889, Sec. 1, P. L. 60.)

Commission to
issue pending
contest

382 Whenever in any contested election the tribunal trying the case shall decide that the ballots used in one or more election districts were, by reason of the omission, addition, misplacing, mis-spelling or misstatement of one or more titles of offices, or names of candidates, or parties or policies represented by them, so defective as to the office in contest as to be calculated to mislead the voters in regard to any

Invalid elections

of the candidates nominated for said office, and that the defective condition of the said ballots may have affected the result of the entire election for said office, the said tribunal shall declare the election to be invalid as regards the said office, and shall report their decision to the proper officer or officers who are now by law authorized to fill vacancies occurring in such office, who, upon receipt of such notice, shall without delay proceed to appoint a suitable person or persons to fill the vacancies thus created, and the person or persons so appointed, shall continue in office until the next election succeeding his appointment at which such office is now by law required to be filled. (Act 1897, Sec. 1, P. L. 23.)

Filling vacancies

In Philadelphia
Court may appoint
Receiver

383 Whenever the election of any officer shall hereafter be contested before the court of common pleas of the city and county of Philadelphia, the court shall upon the application of any citizen, appoint a receiver, to take, receive and hold, during said contested election, and until the final determination thereof, all the fees, perquisites and emoluments of the office so contested; and the said court shall require security to be entered by him, in such sums as they shall deem proper, conditioned for the faithful performance of all orders and decrees of said court; and they may, at any time, order additional security to be entered, or remove said receiver, and from time to time appoint another receiver, as may be necessary. (Act 1867, Sec. 1, P. L. 1123.)

Receiver's
Account

384 Upon the final determination of said contested election, or sooner, if thereto required by said court, the receiver or receivers so appointed, shall file his or their accounts, and the same may be examined and settled by said court, or be referred to an auditor or master, for that purpose; and the amount ascertained to be in the hands of said receiver or receivers, shall, after deducting such charges as may be allowed by said court, be paid over to the person or persons, and in the proportion said court shall decree: Provided, That any (person) aggrieved by the final decree upon said

receiver's account may appeal therefrom, as in other equity proceedings. (Act 1867, Sec. 2, P. L. 1123.)

385 The said court shall, for the purpose of carrying this Investments
act into execution, have all the power of a court of equity, in cases where receivers are appointed by said courts, and may, in their discretion, order investments to be made of any funds in the hands of said receiver or receivers in the debt of the United States, of this State, or of the city of Philadelphia. (Act 1867, Sec. 3, P. L. 1123.)

386 The said court of common pleas for the city and county of Philadelphia shall have power, whenever necessary for the determination of the same, to issue commissions To issue commissions and appoint examiners
to places outside of the State, and to appoint an examiner or examiners to take testimony within the State, and to make all needful rules relative to the examination of witnesses, the closing of the testimony and other matters, as in equity proceedings; and the examiner and examiners, so appointed, shall have power to issue subpoenas, and to compel the attendance of witnesses by attachments, and upon failure of any witness to testify as required by said examiner or examiners, the court may attach for contempt, as in other cases. (Act 1867, Sec. 4, P. L. 1123.)

387 The said court of common pleas of the city and county Costs
of Philadelphia may, upon final decree, enter a judgment for costs, either in whole or part, against the county, the petitioners or the respondent; or they may apportion the said costs, in equal or unequal parts, between the county, the petitioners and the respondent, as to them may seem just. (Act 1867, Sec. 5, P. L. 1123.)

388 The final decrees of the said court, upon contested elections, may be enforced by injunction, attachment and sequestration; and their judgments as to costs may be enforced, if against the county, by mandamus execution, and if against parties, by execution and attachment. Enforcement of decrees
(Act 1867, Sec. 6, P. L. 1123.)

INDEX

Numbers refer to Sections

AGE	
Persons voting on, assessment of.....	22
AMENDMENT	
Of certificates of nomination and nomination papers....	120
APPEALS	
From decision of registrars.....	48
From decision of Board of Registration Commissioners	49, 50, 61
From decision of County Commissioners.....	61, 73, 107
ASSESSMENT (<i>See Assessors' lists</i>)	
On personal application	23
ASSESSORS	
Appointment in case of vacancy.....	13, 14
Assistant	16
Compensation	15
Election of, in boroughs and townships.....	10, 11
in other districts.....	8
Names to be certified to County Commissioners.....	17
Powers and duties	9, 12, 18, 19
ASSESSORS' LISTS	
Contents	21, 22
Copy to be placed on door of voting place.....	23
Correction of	24, 25
How prepared	20
Names to be added on personal application.....	23
To be returned to County Commissioners.....	26
Voters not on, qualification of.....	27
ASSISTANCE OF VOTERS	
At general election.....	206
At primaries	100
BALLOT (<i>See also Primary ballot</i>)	
Correction of mistakes in.....	138
Cost of printing to be paid by counties.....	183
County Commissioners to print.....	184
Delivery of to election officers.....	191, 192
Distribution of to voters.....	200
Form of	128-136
Improperly marked, how counted.....	210
Method of marking	201-205
Number to be provided for each division.....	186

BALLOT—Continued

Number of, record to be kept.....	185
Packing	190
Specimen	186
Spoiled	203
To be uniform	137
Unofficial may be used in case of loss.....	193
but not otherwise	211

BALLOT BOXES

Disposition of after election.....	217-219
To be furnished by County Commissioners.....	97, 187
Vaults to be provided for in Philadelphia.....	220

BALLOT CHECK LIST

County Commissioners to furnish.....	186
Inspector to have charge of.....	199
Register to be used as in cities.....	54, 77
Use of	200

CANDIDATES

Nominated at primaries.....	78
Nominated by convention.....	109
County Commissioners to send list to Sheriff.....	124
Secretary of Commonwealth to send list to County Commissioners	108, 124

CARDS OF INSTRUCTION

To be provided	186
To be posted in each booth.....	198

CERTIFICATE OF ELECTION

Judges to make out and send to persons elected.....	223, 228
---	----------

CERTIFICATE OF NOMINATION

Nomination by	116
Filing of	119
Objections to	120
To be open to public inspection.....	123

CHALLENGE

Grounds of when voter registered.....	53, 76
Right of at general election.....	28, 53
at registration	41, 66
at primary	103

CHALLENGED VOTER

Qualification of at general election.....	28, 53, 76
at registration	41, 66, 67
at primary election	103

CITY COMMISSIONERS

To perform duties of County Commissioners in Phila- delphia	189
--	-----

COMPENSATION

Of election officers	98, 181
Of constables, supervisors and assessors.....	182
Of registration commissioners	30
Of assessors	15

CONDUCT OF ELECTIONS

Primaries to be conducted in conformity with general election laws	100
Polling hours	99, 197
Special and local elections to be conducted in same manner as general elections	139
Township supervisors may erect building for.....	195

CONTESTS

Classification	336
Commission to issue pending contest.....	381
Costs	372-377
Governor and Lieutenant-Governor.....	337-354
In Philadelphia, powers of court.....	383-388
Invalid elections	382
Judges, except of Supreme Court.....	357-363
Offices not otherwise provided for	369
Power of court	370
Presidential electors and state officers except Governor and Lieutenant-Governor	355, 356
Primaries	107
Procedure	379
Senators and Representatives	364-368
Time for taking testimony	371
When judge incompetent	378
Witnesses may be compelled to testify.....	380

CONVENTION

Candidates nominated by.....	109
Certificate of nomination	116
What parties may nominate by.....	116

CORRUPT PRACTICES

Account of expenses to be rendered.....	325
audit of	330
appeal from audit	331
oath of office not to be administered until filed to be open to public inspection.....	328
where filed	329
Blank forms to be provided by Secretary of Commonwealth	327
Blank forms to be provided by Secretary of Commonwealth	334
Campaign contributions regulated	323
Criminal proceedings	332
Definitions	321
Lawful expenses	324

CORRUPT PRACTICES—Continued

Money to be received and disbursed only through treasurer	322
Penalty for incurring illegal expense.....	335
<i>Quo warranto</i> to oust candidate.....	331
Vouchers to be filed with account.....	326
Witnesses may be compelled to testify.....	333

COUNTING THE VOTE (*See also Returns*)

At primary elections	106
At general elections	213-216

COUNTY COMMISSIONERS

Duties of in connection with registration.....	52, 75
To provide election supplies.....	94-97, 184-188
and voting rooms	194

CRIMES AND PENALTIES

Altering election papers.....	297
Assault and battery at polls.....	303
Assistance, attempt to influence voter while rendering..	280
Assessment for political purposes.....	285-287
Assessors, refusing to assess qualified voter.....	268
assessment of unqualified voter.....	268
Ballot, forging or destroying.....	298
furnishing false	305
having outside voting room.....	272
printing false	271
Bribery at general election	294
at primaries	288-293
Cards of instruction, tearing down or destroying.....	299
Certificate of nomination defacing.....	298
filing false	298
Constable, failure to perform duty.....	283
failure to report disorder.....	312
failure to report liquor selling.....	314
County Commissioners, adding names to list of taxables	282
omitting names	281
Corrupt solicitation	296
Election officers	
Failure to attend election	259
Failure to take oath.....	261, 262
Fraud	263
Interfering with overseers.....	180
Neglect of duty	268
Permitting voting without proof of qualification....	264
Refusal to serve	260
Intoxication	269
Receiving fraudulent vote.....	265
Receiving vote of unregistered elector.....	252

CRIMES AND PENALTIES—Continued

Receiving more than one vote on naturalization certificate	28
Rejecting legal vote	265
Rejecting vote of registered voter.....	252
Unfolding ballots before count.....	266
Violating secrecy of ballot.....	267
Electioneering by unqualified persons.....	302
Embezzlement of election papers.....	297
False certificate or receipt, uttering.....	310
Intimidation	295
Justice of peace, refusal to receive ballot box.....	218
Libel against candidates for public office.....	318
Liquor selling on election day.....	313
List of candidates, destroying.....	299
List of taxables, adding names or omitting from.....	281, 282
of voters, defacing	270
Naturalization certificate, issuing falsely.....	276
obtaining by false oath.....	277
use of false	278
Naturalization fee, payment for another.....	273-275
Nomination papers, defacing	298
filing false	298
Obstructing conduct of election.....	300, 301
Overseers, interference with	270
Philadelphia, employees of taking part in campaign....	320
parading after dark in.....	319
Personal registration	
Altering register	251
Attempting to register falsely.....	250
Disobeying order of registration commissioners....	248
Failure to perform duty	253
Permitting false registration	249
Perjury	254
Receiving vote of unregistered elector.....	252
Refusing vote of registered voter.....	252
Primary elections	
Bribery	288-293
Fraud of election officers.....	257
Fraudulent voting	255, 304
General election laws applicable.....	258
Receiving fraudulent vote.....	256
Refusing vote of qualified voter.....	256
Public officers, failure to perform duty.....	311
Repeating	309
Secrecy of ballot, violating.....	280
Specimen ballot, tearing down or destroying.....	299
Supervisors of township, failure to perform duty.....	283
Tax, assessing within 61 days of election.....	279

CRIMES AND PENALTIES—Continued

Tax, payment for others, without written order.....	284
receipt of except from person assessed.....	284
Tax collector, failure to report to County Commissioners	7
Tax receipt, improperly obtained, voting on.....	284
Unqualified person, voting	308
procuring or aiding to vote.....	308
not a citizen, attempting to vote.....	306
persuading to vote.....	307
Wagering on elections	315, 316
DEFINITIONS	
Of terms used in law relating to personal registration..	29
DELEGATES	
May indicate on primary ballot candidate they favor in convention	88
Contested elections of	107
DEPUTY SHERIFFS	
Not to be appointed for any election in Philadelphia....	247
ELECTION DISTRICTS	
Consolidation of	151
Costs in division or creation of.....	154
Division of township into	148
Method of dividing.....	149, 150
Method of consolidating.....	152
On division or consolidation court to fix polling place and appoint election officers	155
Voter to vote only in district where domiciled.....	141
ELECTION OFFICERS (<i>See also Crimes and penalties</i>)	
All elections to be conducted by.....	161
Appointment in case of failure to attend.....	168, 169
Appointment of, in case both inspectors of same party..	171
Compensation at general elections.....	181
at primaries	98
Disputes between to be settled by court	170
Duties of	179, 207, 209
Election of	164
May be re-elected.....	162
Meeting of	167
Oath of	172-177
Powers of	178, 179
Term of office	163
Tie vote for, how determined.....	166
To conduct primary elections.....	98
Vacancy among, how filled.....	165
EVIDENCE	
Of naturalization and payment of tax.....	1

HOLIDAY

Election day to be	140
--------------------------	-----

LIST OF VOTERS

Clerks to keep list of persons voting.....	207
Made up by County Commissioners from assessors' list	26

MILEAGE

Allowed judges of election and return judges.....	229, 230
---	----------

NATURALIZATION

Evidence of	1
Naturalization certificate, production of when challenged	28
Penalty for receiving more than one vote on any.....	28

NATURALIZED CITIZENS

Assessment of	22, 23
Registration of	41, 67

NOMINATIONS (*See Certificate of nomination; Convention; Nomination papers; Primary elections*)**NOMINATION PAPERS**

Nominations by	117
Contents of	118
Filing of	119
Objections to	120
To be open to public inspection.....	123

OVERSEERS

Appointment of at primaries.....	114
At general elections	180
Power of	180

NOTICE OF ELECTIONS (*See Proclamation*)**PARTY NAME**

Pre-emption of	117, 118
----------------------	----------

PEACE OFFICERS

Duties of	244-246
-----------------	---------

POLICE OFFICERS

Not to be within 100 feet of polling place during primaries	115
To remain in voting room during count	216

POLL TAX

Councils to fix	2
Assessment of	3

POLLING HOURS

At general elections	197
At primaries	99
Voting after closing time	209

POLLING PLACE

Court to fix on division or consolidation of district....	155
Change of	156-159
Not to be in saloon.....	160

PRESIDENTIAL ELECTORS

Compensation of	242
Meeting of	241
Returns of election of	240
Vacancies	241

PRIMARY BALLOT

Arrangement of names	87
County Commissioners to furnish.....	94
Delivery of	96
Forms to be on file in County Commissioners' office....	93
General form of	85, 86
Petition to place name on.....	89, 90, 91
Sample ballots	95

PRIMARY ELECTIONS

Conduct of	100
County Commissioners to furnish supplies for.....	97
Counting vote	106
Date of holding	78
Election officers to conduct.....	98
Expenses of	101
For what offices held	78, 79, 80
List of offices to be filled to be furnished County Commissioners	81, 82, 83
List to be published by County Commissioners.....	84
List of candidates to be furnished County Commissioners	92
Polling hours	99
Qualification of voters	102
Returns of to Secretary of Commonwealth.....	108
Vacancies occurring after, how filled.....	113
Vote necessary to nominate.....	110, 111, 112

PROCLAMATION

By sheriff	143, 144
By coroner in case of sheriff's disability.....	145
Of township elections	146
Of borough elections	147

PROTHONOTARY

To furnish copy of list of voters, etc., on payment of fee	233
--	-----

QUALIFICATION OF VOTERS (*See Registration; Primary elections*)

RECOUNT

At primary election	107
Appeal from decision of County Commissioners on.....	107

REGISTERS

Correction of	45, 71
Custody of	51, 74

REGISTERS—Continued

Form of	37, 38, 62, 63
To be used in place of ballot and voting check list.....	54, 77

REGISTRARS

Appointment of	32, 33, 34, 55, 57, 58
Appeal from decision of.....	48, 72
Compensation	35, 59
Number of	32, 55
Powers	36, 60
Qualifications	32, 55
Removal	32, 55, 56
Term	32, 55
To sign certificate at close of registration.....	45, 71

REGISTRATION (*See Registration, personal, in cities*)

In townships and boroughs. (*See Assessors; Assessors' lists*)

REGISTRATION COMMISSIONERS

Appointment	30
Appeal from decision of.....	49, 50
Compensation	30
Complaints to from action of registrars.....	48
May appoint attorney, stenographer and clerks.....	51
Organization of board of.....	31
Powers	35, 50
Records	31
Report to Governor	31
Term of office	30
To investigate irregularities in registration.....	50
Vacancies in board	30

REGISTRATION DAYS

Dates of	36, 60
----------------	--------

REGISTRATION, PERSONAL, IN CITIES

Absence or illness on registration days.....	50, 61
Appeals from decision of registrars.....	48, 72
Appeals from decisions of registration commissioners..	49, 50
Appeals from decisions of County Commissioners.....	61, 73
Expenses of to be paid by County Commissioners.....	52
Method of registering	39, 64
Number of persons allowed in room.....	44, 70
Persons entitled to register.....	40, 65
Persons removing from one district to another.....	42, 68
Right to vote	53, 76
Striking names from register in case of death or removal	42, 68
Voter must register in person.....	37, 61

REGISTRY LIST (*See Assessors' lists*)REGULATION OF CAMPAIGN EXPENSES (*See Corrupt practices*)

RETURNS

County returns, number of	222
disposition of	222
not received in time, to be void.....	231
Prothonotary to transmit to Secretary of Commonwealth	232
Secretary of Commonwealth to notify Prothonotary when not received.....	234
Where two or more counties comprise district	225
Division returns, to be in triplicate.....	221
disposition of	221
computation of by judges.....	221
Of township and borough elections.....	226, 227
Of election for Treasurer and Auditor-General.....	238, 239
Of primary elections	106, 108
Of Representatives in Congress.....	243
Secretary of Commonwealth to lay returns of township and county officers before Governor.....	235
and of Senators before Senate.....	235
and of Representatives before House.....	236
and of Governor before Senate.....	237
and of Presidential electors before Governor	240

SALOON

Election not to be held in.....	160
---------------------------------	-----

SPECIMEN BALLOTS .

To be given to any voter on request.....	198
--	-----

STREET LISTS

To be prepared by registrars.....	46
Copies to be printed by County Commissioners.....	47

SUBSTITUTED NOMINATIONS

How made	125
Objections to	126
Placing name on ballot	127

TAX

Evidence of payments	1
Poll, in Philadelphia	2, 3
Receipts to be numbered	4
Record to be sent to County Commissioners and bound.....	5, 6

TAX COLLECTOR

Penalty for failure to make report to County Commissioners	7
--	---

TROOPS

Not to be present at elections.....	142
-------------------------------------	-----

UNREGISTERED VOTERS

In boroughs and townships, qualification of at the election	27
In cities, ineligible to vote.....	53, 76

VACANCY

In nomination, how filled.....	125, 126, 127
Occurring after primary, nominations for.....	113
Occurring after last day for nominations	122

VOTING BOOTH

Arrangement of	194
Only one person to occupy at same time.....	209
Time allowed voter in.....	209

VOTING CHECK LIST

County Commissioners to provide	186
Inspector to have charge of.....	199
Register to be used as in cities.....	54, 77
Use of	209

VOTING ROOMS

Arrangement of	194
Compensation for use of to be fixed by County Commissioners	196
Number of persons allowed in.....	209
Number of persons allowed within rail.....	200
To be provided by County Commissioners.....	194
Township supervisors may erect building for.....	195
What memoranda may be made in.....	212

WATCHERS

At primary elections	114
At registration	43, 69
At general elections	209

WITHDRAWAL OF CANDIDATES..... 121



REPORT

OF THE

COMMISSION TO REVISE AND CODIFY

THE

ELECTION LAWS OF PENNSYLVANIA

Appointed under Joint Resolution of May 13, 1909

Made to

**The Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly
at the Session of 1911**



324.748

P 381

Harrisburg

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